

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

CASE NO. 3:17-cv-02278-X

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO. and
TRANSPORT WORKERS OF AMERICA,
LOCAL 566,

Defendants.

TRANSCRIPT OF THE TRIAL
BEFORE THE HONORABLE BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

V O L U M E 3

Dallas, Texas

July 7, 2022

8:38 a.m.

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25

1 -- P R O C E E D I N G S --

2

3 THE COURT SECURITY OFFICER: All rise.

4 THE COURT: Thank you.

5 You can be seated.

6 Okay. So Day 3 of trial.

7 Let's go ahead and do appearances for
8 Carter.

9 MR. GILLIAM: Matthew Gilliam for
10 Plaintiff, Charlene Carter, along with Matt Hill and
11 Bobby Pryor.

12 THE COURT: Thank you.

13 And how about Southwest next?

14 MR. McKEEBY: Paulo McKeeby on behalf of
15 Southwest, with Brian Morris and company
16 representative Meggan Jones.

17 THE COURT: Thank you.

18 And how about the Union?

19 MR. GREENFIELD: Adam Greenfield and
20 Edward Cloutman, III on behalf of TWU, Local 556.

21 We are expecting our corporate
22 representative, Mr. Michael Masoni. The line down
23 in security was a little extra long this morning.

24 THE COURT: Sorry to hear that. It is
25 challenging on days like this.

1 We were supposed to be one of three trials
2 going on in the courthouse right now, and so we are
3 fortunate that not all of them went. But still,
4 even if there is more than one or one plus
5 sentencings, it results in quite a line at security.

6 So thank y'all for being here timely and
7 getting through it, and no worries if someone else
8 is stuck.

9 Okay. So I know we didn't have new
10 objections last night.

11 What I wanted to talk about right quick is
12 time clock, see if there is anything on Nevarez we
13 should talk about, and then talk about any exhibits
14 we didn't get to yesterday morning so we can
15 minimize sidebar time and inefficiencies there.

16 Okay. On time clock, I think we sent out
17 the nightly update. We will keep doing that. We
18 will send y'all every night the latest exhibit list
19 that I've been keeping track of, as well as the time
20 clock.

21 What I wanted to say on the time clock is,
22 for Team Carter, I know you told me, Mr. Pryor, that
23 your goal was to use about half your time on Stone
24 and your client.

25 MR. PRYOR: That's what we anticipate.

1 THE COURT: If you use the other hour that
2 you predicted on Stone, then you will have used half
3 your time just on Stone and opening.

4 So I'm expressing concern. And so what I
5 want to do is just plot this out in advance.

6 Remember my standard for when I give you more time
7 is you have used your time efficiently and you have
8 a compelling need for more.

9 What I would say, the first day
10 presentation, if you ask for more time right now, I
11 would say no, and here is why.

12 The inefficiencies I saw, I think you have
13 reached a long time ago the point of diminishing
14 returns on Stone with regard to what in the Facebook
15 messages she sent was union speak.

16 She said yes to all of them. I think once
17 you get too deep, you have reached the economic
18 point of diminishing returns.

19 I talk to juries every time after trial,
20 and they say, Why did they say the same thing over
21 and over again, always, when even I time every
22 trial.

23 And so I think the jury is getting tired
24 of this. And so you are actually, for each one of
25 those questions now, you are taking time away from

1 your client to ask her, Well, what about page 23 in
2 this packet, is that union speech?

3 She said yes to all of them, right?

4 You've made your point.

5 Other things. I think we have had a lot
6 of asked and answered objections that I have
7 sustained over here from the Defendants' side.

8 And I get that you may need to make your
9 point repeatedly. I usually only sustain those if I
10 get to a third and a fourth time, right? If you
11 circling back time three, time four.

12 I realize it's an important witness, you
13 may need to make a point more than once.

14 And the last inefficiency I'd point out
15 is, your style with this witness is combative and
16 that is fine. I give people free rein to pick
17 whatever style they want to. But with this witness,
18 I'm not sure it is particularly helpful from an
19 efficiency standpoint.

20 MR. PRYOR: Right.

21 THE COURT: I realize your need to pick
22 your style, and that is fine. But that is your
23 choice. I don't know that it is an efficient time
24 choice with this particular witness.

25 MR. PRYOR: Your Honor, if I could just

1 respond to one comment.

2 THE COURT: You may.

3 MR. PRYOR: I accept everything you are
4 saying.

5 Going through the documents, each
6 communication, I tried to get her to say they were
7 all union-related activities so I could -- we have
8 our record that it's all protected activity -- and
9 she would not.

10 We have a daily. She did not. She
11 refused to say that. She said, no, she thought some
12 things were unrelated, and there were memes and
13 there were -- I did not get that definitive
14 testimony, at least I don't think I did, based on --
15 you think I did. She absolutely did not. I have to
16 go through it to establish that it was protected
17 activity and through her own testimony as the Union
18 president.

19 We think it is significant, and I,
20 unfortunately, have more to do.

21 As I have gone along, I have asked her, Do
22 you want to agree? And she won't.

23 And it is important to our case, both from
24 a directed verdict standpoint, on appeal, to this
25 jury, that we establish all the communications fall

1 within a protected category.

2 So I accept all of your criticism, or your
3 comments, but I will tell you my view of the
4 evidence and why I have to do that.

5 THE COURT: I understand that.

6 So the only thing I would say in response
7 to that is, perhaps I didn't view her equivocation
8 on that point in the same way that you did.

9 MR. PRYOR: Okay.

10 THE COURT: But I would say, from an
11 efficiency standpoint, you can ask her, Is there
12 anything else in this packet that you think crossed
13 that line and is not union speech, right?

14 I think where she has drawn the line, at
15 least in my view, is she thought that, you know, the
16 video and the commenting online, that crossed the
17 line into a threat, and in her view, is no longer
18 union speech or protected speech.

19 And so pulling away all of her testimony,
20 that is what I view as the whole packet, union
21 speech except for those two things.

22 MR. PRYOR: I thought that would be an
23 objectionable question, but I like it, so I will
24 definitely --

25 THE COURT: In the interest of time, I put

1 y'all on a clock. If someone objects to it, you may
2 have to give her a couple of minutes to thumb
3 through the packet.

4 MR. PRYOR: I'm happy to.

5 THE COURT: If you want to give her a few
6 minutes to thumb through the packet, that is fine by
7 me.

8 MR. PRYOR: I'm going to do that first
9 thing, your Honor.

10 THE COURT: That is fine.

11 Okay. So I would just like to preview for
12 people in advance what I'm thinking on the clock and
13 why, and I will do the same thing once we see more
14 time being used from Southwest and the Union,
15 because I want people to use their time efficiency.
16 I want to give them more if they use it wisely, but
17 I have got to be a good steward of time.

18 Unfortunately, y'all are one of many cases
19 that we inherited that were almost trial ready when
20 I came on the bench in 2019.

21 And then with COVID and not many people
22 wanting to try their cases in COVID, I tried
23 everyone who was willing to try during COVID.

24 We have now this crushing backlog, right,
25 that is ready for trial. So I have got four civil

1 that are ready in go in August.

2 So we had another that wanted to go next
3 week. We moved them to August so we would have more
4 time for this trial.

5 But we are really trying to deal with the
6 pandemic and the aftermath of it.

7 So I'm not trying to be a jerk, I want to
8 give everyone the time they want to have, but
9 everyone wants a lot of time and everyone wants to
10 try their case now. I'm trying to juggle that.

11 So any update on Brett Nevarez? I assume
12 y'all did not have a happy late-night depo last
13 night? No communication, I assume.

14 MR. McKEEBY: I'm being signaled that
15 there has been no communication.

16 MR. GREENFIELD: Me either.

17 THE COURT: So what I can do is, I have a
18 draft of a show cause order that says, You have now
19 violated a couple of my court orders. I have at the
20 bottom of that draft language asking y'all to send
21 that order as soon as I file it jointly by email to
22 Mr. Nevarez.

23 Seeing if y'all can serve it on
24 Mr. Nevarez. I don't know if you have a process
25 server and if we can get location information, that

1 would work to get that in his hands.

2 I think that is a predicate to any motion
3 for sanctions or contempt that would get filed from
4 Carter.

5 I will say, from Carter, I know we have
6 the certificate of no show that you filed from the
7 deposition. I don't know that we have the trial
8 subpoena or the affidavit from the server on that.

9 And so if you file a motion on the heels
10 of my show cause, then we may need to paper up the
11 record in those two regards to have a motion that is
12 transferable to New Mexico.

13 Does that make sense?

14 So my show cause would set a hearing for
15 tomorrow morning before trial. He's not going to
16 show to that either. Or it lets him respond by
17 affidavit before the date of the hearing. Or it
18 lets him do the depo before the date of the hearing
19 to avoid any need for the hearing.

20 It's a choose your own adventure. Show up
21 to the hearing and explain why you violated these
22 orders, or do the depo, or explain under oath in
23 writing why you did it.

24 I think none of those three options would
25 probably happen, given what we have seen now. And

1 so the most likely outcome is that Carter files
2 emergency motion for sanctions that then I
3 immediately transfer to New Mexico.

4 Thoughts on that path?

5 MR. McKEEBY: That sounds fine to me.

6 I just -- I would want to make one point
7 of clarification, that the emails the last two days
8 have gone from Southwest in-house counsel to
9 Mr. Nevarez, not me. Just so that if that comes up,
10 there is no confusion. And Union's counsel has been
11 copied on those emails.

12 THE COURT: Got it. And I'm fine with
13 that approach, too, for service of this.

14 When I say "counsel for Southwest," I'm
15 fine with that being in-house counsel, if that makes
16 sense.

17 MR. GREENFIELD: We sent out a joint one
18 with in-house.

19 THE COURT: Okay. That is great by me.
20 I'm not going to tell y'all that it has got to be
21 out-house counsel, as they are sometimes referred
22 to, or in-house. But that is fine by me. In-house
23 or outside counsel is fine.

24 So we have got that drafted. I'm going to
25 ask our staff to docket that this morning.

1 I know we docketed the Conlon page/line
2 designation objections, and we are working on
3 Kleburne. We should have Kleburne out shortly. So
4 we will keep those rolling out.

5 And I think in order we looked at next are
6 Burdine, Rutherford and Lacore.

7 And so sorry for the rolling production.

8 MR. McKEEBY: One other issue on the
9 Talburt designations.

10 THE COURT: Yes.

11 MR. McKEEBY: We had objections on the
12 same relevance grounds as the Court has heard before
13 that were raised in our motion in limine.

14 I think some of those were denied even in
15 the context where Mr. Talburt talks about the
16 discipline that he received. And it is no one's
17 fault, but it is --

18 THE COURT: Have you got specific -- well,
19 can you give me specifics? So I'm happy to
20 reconsider anything I have done. But if you can
21 give me specific ones -- and by email is fine,
22 right? We may be going, and I may look at that last
23 note again.

24 MR. McKEEBY: Okay. I will have
25 Mr. Morris look at that.

1 But I will also say that it's not -- it's
2 complicated because it's sort of comments that are
3 intertwined with other testimony that probably is
4 relevant and should come in.

5 So I just think as a practical matter -- I
6 guess I will reserve the right to change my mind on
7 this -- but as a practical matter, it may be that a
8 limiting instruction is the more appropriate vehicle
9 than to try to excise two sentences out of a video
10 clip.

11 THE COURT: You can edit videos in a very
12 awkward fashion.

13 But all that is to say, I have already
14 sort of spilled the beans with the jury here, and so
15 that may be the easiest course, is to let it in.
16 But let me tell the jury, Hey, this was a depo.
17 I've cut out some of this, as you already know, so
18 please ignore the Southwest stuff.

19 MR. MCKEEBY: I will look more closely at
20 the specific pages that I'm talking about.

21 But I just wanted to give you and the reps
22 of the parties a heads up that I think the more
23 likely request is going to be to stand up and say,
24 Judge, we would like the limiting instruction here.

25 THE COURT: Understood. That helps.

1 We will look for the specific page/line by
2 email from y'all and take another look at that.

3 MR. PRYOR: Your Honor, in that regard,
4 that actually was on my list to raise, too, after
5 our discussion yesterday.

6 I asked this -- I didn't do his
7 designations. I asked this morning, and I was told
8 that there are portions of his testimony that
9 mentions that he was terminated and then reinstated,
10 things like that.

11 And I certainly recall asking him at
12 deposition.

13 And if we need to adjust the video, let us
14 know. He is our next witness, but we probably won't
15 get to him until after lunch. This guy is pretty
16 amazing at that.

17 The second is Exhibit 15, the next
18 document that Charlene communicated with Ms. Stone
19 about, says, "Well, well, well. Brian has now been
20 reinstated, just like I predicted."

21 And I, yesterday, was discussing I thought
22 I should be able to talk about that, and I think you
23 said no. That's fine.

24 That document is in evidence and we may
25 need to redact it or something. But I -- I want to

1 be able to get her to say it's protected activity.

2 Now, if the question that you have
3 suggested works, I won't have to go into those
4 details with her. But if it doesn't -- I don't want
5 to say anything about Talburt being terminated is my
6 point. It is right there in the document that I'm
7 talking to her about. And it will be on the screen.
8 So I want to be correct.

9 THE COURT: Sure. Understood.

10 Southwest?

11 MR. McKEEBY: Again, I mean, at some
12 level, it has to come in to some degree. So I think
13 just the repetition of the limiting instruction,
14 rather than confusing the jury about whiting out a
15 portion of the Facebook message, is the better
16 course, quite frankly. And that's what I would
17 suggest.

18 THE COURT: I think that is -- so we are
19 all on the same page. I mean, I think that is the
20 wisest course of action.

21 I've already let the cat out of the bag,
22 so to speak, with that, and the jury has already
23 heard some of that.

24 So what I will do is, when you put the
25 document up on the screen, can you just give me a

1 look, and then I will tell them, Hey, I have told
2 y'all before some of this stuff on how Southwest
3 treats its employees stays out of the case, but some
4 of it's already in the exhibits, so we are not going
5 to white them out. But keep in mind, that is not
6 really a part of the case, how Southwest treated
7 other employees.

8 MR. PRYOR: Okay. And so what we are
9 talking about is redacting it then, when we send it
10 to the jury, take it out? Is that --

11 THE COURT: I think we are talking about
12 we don't redact it, but I tell them --

13 MR. PRYOR: Oh, a limiting instruction.

14 THE COURT: I give the jury a limiting
15 instruction that says, "Do not consider this."

16 I think juries do see an online portal of
17 boxes, right? But when we redact personal emails
18 and things, they go, what is behind that?

19 And the short answer is it is nothing, it
20 is irrelevant.

21 Okay. So anything else we should talk
22 about before we jump into exhibits?

23 MR. GREENFIELD: We can wait until
24 afternoon.

25 THE COURT: Can we get that mic a little

1 closer to you?

2 MR. GREENFIELD: We can wait until
3 afternoon.

4 THE COURT: Okay. Anything else,
5 pre-exhibit, that we should cover?

6 So for exhibits, I'm going back to my list
7 from yesterday, and the first one I have that we did
8 not cover either in the morning session or rule on
9 at trial was Exhibit No. 34.

10 Mr. Greenfield, tell me if I'm wrong on
11 that.

12 34 is the first on my list to talk about
13 this morning.

14 MR. GREENFIELD: I see 34, and I'm pulling
15 up the exhibit right now, your Honor.

16 THE COURT: Got it.

17 MR. GREENFIELD: I know which way this is
18 leaning, but I will maintain my relevance objection.

19 THE COURT: I appreciate that.

20 What I want to do is, sometimes I will
21 signal y'all why I'm doing what I'm doing. I don't
22 do that as a means to try to bully you into pulling
23 down your objections, so we can still efficiently do
24 this, just in the manner that you did.

25 So, yeah, I think it is relevant, but I

1 appreciate you still preserving your objection in an
2 efficient way. I think we can all handle this in a
3 very similar manner.

4 So I will overrule the relevance objection
5 on the record here for 34.

6 Okay. So the next one I have,
7 Mr. Greenfield, is 53, a Women's March, Planned
8 Parenthood newsletter.

9 I see you as having relevance, prejudice
10 and hearsay, and best evidence objections there.

11 I'm happy to hear anything you want to say
12 and I'm happy to hear Carter's response.

13 MR. GREENFIELD: Your Honor, this is a
14 document that we talked about at sidebar yesterday.

15 I think -- I don't know if opposing
16 counsel intends to revisit this document or submit
17 it later. But I think they kind of worked around to
18 get the information that they needed out of it, but
19 I'm not going to try his case for him.

20 But I maintain my objections on it.

21 THE COURT: That is a good question.

22 So do you think you are going to try to
23 admit 53 today, or what is your plan?

24 MR. PRYOR: I don't think we have a
25 sponsoring witness for that. She didn't identify

1 it.

2 THE COURT: Got it.

3 So what I will say is I'll just not rule
4 on it right now because it's not a plan to offer
5 with a sponsoring witness as of yet. If we need to
6 revisit it, we can.

7 MR. PRYOR: I think I tried yesterday and
8 failed.

9 THE COURT: I don't have 53 on my list,
10 and I do recall us talking about it at sidebar.

11 56.

12 And by the way, every day they are just
13 going to tap me on the shoulder or do something when
14 we have got our full jury, and then we will break in
15 our action so that we can bring in the jury.

16 I let in 56 yesterday.

17 I sustained 57.

18 Which I think takes us to 59, if I'm
19 right.

20 Mr. Greenfield, is 59 next on your list?

21 MR. GREENFIELD: Yes, your Honor.

22 MR. GILLIAM: Your Honor, I thought that
23 was withdrawn.

24 MR. GREENFIELD: Which one?

25 I think 59 is duplicative of 56.

1 THE COURT: 56.

2 MR. GILLIAM: I apologize.

3 MR. GREENFIELD: Is that right?

4 THE COURT: So if you don't intend to
5 offer 59, we won't talk about it.

6 MR. GILLIAM: I think it is duplicative.

7 THE COURT: And 56 came into evidence.

8 MR. GILLIAM: Right.

9 THE COURT: So I will just note it as
10 withdrawn and then move on to the next one.

11 64 I have down as next. I've got Union
12 objections on hearsay.

13 The jurors are all here. And I will say,
14 jurors are here, despite car trouble for one juror,
15 and he still got here on time. So our seven are
16 holding strong, they are trying to not get down to
17 six, and I appreciate that. So we will keep you
18 posted.

19 Thank you, Mr. Gillespie, for getting
20 Ms. Stone. You can go ahead and bring her in. I'll
21 ask her before the jury gets here, make sure she
22 kept my instruction not to talk anyone about the
23 case. Then we will bring in the jury and get going.

24 Sound good?

25 MR. GILLESPIE: Yes, your Honor.

1 THE COURT: So while she comes in, 64,
2 anything you want to tell me on 64?

3 MR. GREENFIELD: It was just the same
4 thing about the limiting instruction that we
5 discussed yesterday, so I don't think we need to
6 revisit it. But I will maintain my objection as to
7 wanting that limiting instruction -- request, excuse
8 me.

9 THE COURT: Understood.

10 And so what I will do on that -- and I'll
11 just say, I get the point, and I would love it from
12 an ideal nature if I could always say, this document
13 is not being offered for its truth, but it would
14 double the time of trial, because most all of these
15 documents come in under some hearsay exception or
16 not hearsay.

17 So I will just say I'm overruling the
18 objection and the limiting instruction request.

19 MR. GREENFIELD: The same goes for 65,
20 your Honor.

21 THE COURT: For 65.

22 Okay. I will do the same thing for 65 as
23 for 64 then. I will overrule that request.

24 And we have handled 68 through 72.

25 And we got it done. We struck the landing

1 just when we needed to. So thank you y'all for your
2 efficiency this morning. I appreciate it.

3 MR. PRYOR: I get that extra time?

4 THE COURT: Well, actually, like any time
5 we make up more time, that gives me more time at the
6 end to give out if we've had an efficient
7 presentation, right?

8 MR. PRYOR: Bring them in, Judge.

9 (The witness entered the courtroom.)

10 THE COURT: Ms. Stone, welcome back.

11 Before I bring in the jury, I just need to
12 ask you, did you talk to anyone about the case?

13 THE WITNESS: No.

14 THE COURT: Okay. Thank you for keeping
15 my instruction.

16 So we can bring in the jury.

17 MR. GREENFIELD: Your Honor, I'm sorry, I
18 did have one more issue before we start.

19 THE COURT: Kevin, can you go tell Randy
20 to hold?

21 MR. GREENFIELD: I just have a personal
22 request that after Plaintiffs close with Ms. Stone,
23 that I be given a five-minute break to go make a
24 phone call. My two-year-old suffered a severe arm
25 break last night and is in surgery this morning.

1 He's out of surgery, but not out of -- but not awake
2 and out of anesthesia. And I would like to make a
3 call to check on him.

4 THE COURT: Absolutely. So after you
5 finish with Stone, I will break, and then go do your
6 thing. And stay out as long as you need to.

7 I'm sorry to hear that. That is rough.

8 MR. GREENFIELD: Thank you, your Honor.

9 THE COURT: Okay. We are ready.

10 THE COURT SECURITY OFFICER: All rise for
11 the jury.

12 (The jurors entered the courtroom.)

13 THE COURT: All right. Thank you. You
14 can be seated.

15 All right. Mr. Pryor, you can continue
16 your examination of Ms. Stone.

17 THE COURT: Ms. Stone, you're still under
18 oath. We don't need to swear you in again unless
19 you feel like you need another oath.

20 Feel good?

21 THE WITNESS: (Nods head.)

22 Okay. Let's go for it.

23 Mr. Pryor, you can continue.
24
25

1 DIRECT EXAMINATION - CONTINUED

2 BY MR. PRYOR:

3 Q. Good morning, Ms. Stone [sic].

4 A. Good morning.

5 Q. Yesterday we were talking about Exhibit 15 and
6 whether or not all of Ms. Stone's [sic]
7 communications were protected union activity. And
8 we made it through this page right here, 612.

9 I'm going to give you this exhibit.

10 It has been suggested to me by someone wiser
11 than myself that maybe instead of having to go
12 through each of these and have me read them to you,
13 just have you look at it and tell us any pages that
14 you think do not relate to Charlene Stone [sic]
15 exercising her protected union activity, that she's
16 sending this in connection with communicating to her
17 union about a complaint or concern.

18 Okay?

19 Do you understand the question?

20 THE COURT: Mr. McKeeby.

21 MR. MCKEEBY: Objection to the use of the
22 term "protected activity." It calls for a legal
23 conclusion.

24 THE COURT: Okay. Overruled. I will
25 allow the question.

1 You can approach.

2 BY MR. PRYOR:

3 Q. Here is the document.

4 And I will tell you, there are some pages that
5 are blurred and I can't read them, and I'm not
6 expecting you, if it is blurred, to read the blur.

7 But those that you can read, if there is
8 something that doesn't relate to Ms. Carter
9 complaining about her union, let me know.

10 A. Just for clarification, I heard you say
11 "Ms. Stone's communication," and I also heard you
12 say "Charlene Stone."

13 Q. Okay. I'm able to mess up any names,
14 apparently. American Airlines, Southwest Airlines.

15 I'm talking about Charlene sending
16 communications to the president of her union, and is
17 there something in here that doesn't tie into her
18 complaint about her union.

19 A. I'm not able to read some of these either.

20 Q. I will tell you what. The ones that you can't
21 read, let me give you a marker, and just kind of
22 slash across the pages that you can't read. And
23 there's quite a few.

24 The ones that you can't read, just put a slash
25 across it.

1 A. (Witness complies.)

2 Q. When you get to the page that says "Trial
3 Exhibit 15," you can stop, because we've covered
4 everything else.

5 A. Is that going to be on the bottom, or where
6 should I be looking for that?

7 Q. I couldn't hear you.

8 A. Is that going to be on the bottom? Where would
9 I find that?

10 Q. I will just take that part away from you. Here
11 is what we have covered so far.

12 Did you see anything that you did not consider
13 to be protected union activity?

14 A. Of the pages that I can read everything on it
15 clearly, no. There's a number of pages, quite a
16 few, where I can't read everything.

17 Q. It's almost a third of them, I'm sure.

18 I'm going to identify for the record, if you
19 will confirm for me, the ones -- that one, could you
20 read that? You are better -- I'm not trying to talk
21 you into it. I just couldn't read it.

22 Okay. You could read a little, is what you're
23 saying?

24 A. I can make out some words.

25 Q. Fair enough. You are entitled to read the

1 whole thing. The same thing on this one. But it is
2 totally up to you. If you can read that, that is
3 great.

4 Okay. I think that's the only one. You can
5 leave that one up if you can read it.

6 A. Yeah, I can make that one out.

7 Q. So we want to identify for the record the ones
8 that you have marked yellow. And when you marked it
9 yellow --

10 THE COURT: We can file this on the docket
11 if you want to, just to save time.

12 MR. PRYOR: Thank you. We will do that.

13 Let me mark this, then, as Exhibit 15-A.

14 THE COURT: Any objection to 15-A?

15 MR. PRYOR: Move for the admission of
16 15-A.

17 MR. McKEEBY: No objection.

18 MR. GREENFIELD: No objection, your Honor.

19 THE COURT: Okay. I will admit 15-A.

20 (The referred-to document was admitted
21 into evidence as Plaintiff's Exhibit 15-A.)

22 MR. PRYOR: I will hand this to the Court
23 so I don't walk away with it.

24 THE COURT: Thank you.

25 We will color scan it.

1 BY MR. PRYOR:

2 Q. Ma'am, let's take a look at Exhibit 6 and --

3 MR. PRYOR: I'm sorry. It is not Exhibit

4 6. I told you guys the wrong number.

5 106, Counsel.

6 BY MR. PRYOR:

7 Q. I'm only going to show you two pages of that.

8 MR. GREENFIELD: I'm sorry, Counsel, 106,

9 not 6?

10 MR. PRYOR: 106, pages 5712 through -14.

11 MR. McKEEBY: Your Honor, 106 is not

12 listed.

13 MR. PRYOR: Okay. I can show you what it

14 is.

15 May we approach, Judge?

16 THE COURT: You may.

17 (Thereupon, the following proceedings were
18 had at sidebar:)

19 MR. PRYOR: This was -- this should have
20 been listed for Mr. Schneider, who is testifying
21 tomorrow. But there are two pages of it, a
22 collection of information put together by Southwest
23 during its investigation.

24 There are two pages of it, or three pages
25 of it are communications from Audrey Stone to

1 Charlene telling her about the right to work. It is
2 one of the things that she complained about.

3 And also, she testified she didn't send
4 things to Charlene. It goes to both of those
5 issues. It is not a surprise to them; they have it
6 outlined. I don't know why it wasn't on our list.
7 I apologize.

8 THE COURT: Understood.

9 Let me propose and ask their response.

10 Any objection to those two pages coming in
11 conditionally and then you pull it up with Schneider
12 tomorrow?

13 MR. PRYOR: Yes.

14 MR. McKEEBY: No objection.

15 MR. GREENFIELD: Can I see the two pages?

16 MR. PRYOR: I'm going to give this to the
17 witness, too, those pages.

18 What page number? Is 5712, 13 and 14? Is
19 that --

20 MR. PRYOR: This will be 106A, I guess.

21 THE COURT: We can conditionally admit
22 106, those pages, tomorrow. It will all connect up.

23 MR. PRYOR: I will just show her these two
24 pages.

25 THE COURT: Sounds great.

1 (Thereupon, the sidebar was concluded and
2 the following proceedings were held in open
3 court:)

4 THE COURT: All right. So I'm admitting
5 pages 5712, 5713, and 5714 of document number 106.

6 (The referred-to document was admitted
7 into evidence as Plaintiff's Exhibit 106-A.)

8 THE COURT: You can show them to the
9 witness.

10 It is conditionally admitted. We will
11 connect it up tomorrow.

12 BY MR. PRYOR:

13 Q. Can you identify this page of Exhibit 106,
14 SWA 5712, as a communication you sent as president
15 of the Union to Charlene Carter regarding taking
16 action on the national right-to-work legislation?

17 A. It was a communication sent by our COPE
18 committee. I was the chairperson and Matt Hettich
19 was my co-chairperson. And it was sent to all
20 flight attendants whose email addresses we had on
21 file, including Charlene Carter.

22 Q. And let's see the next page so you can
23 identify, that is part of the communication that was
24 sent to Charlene?

25 A. Yes.

1 Q. And in fact, at the top, it says, "Hi. My name
2 is Charlene Carter, and I'm a member of the
3 Transport Workers Union, Local 556."

4 And it goes on to tell her what to say in order
5 to object to this right-to-work law, correct?

6 A. Yes.

7 Q. And let's just look at the next page to make
8 sure you have identified the entire communication.

9 And there is your picture at the end?

10 A. Yes.

11 Q. Okay. Thank you.

12 Did you speak to Sonya Lacore at any time about
13 your complaint against Ms. Carter?

14 A. No.

15 MR. PRYOR: Your Honor, may I approach to
16 provide the witness a document to refresh her
17 recollection?

18 THE COURT: Yes, you may.

19 MR. PRYOR: It's not on the point I just
20 asked about.

21 THE COURT: Okay. Then you need to set a
22 predicate first.

23 MR. PRYOR: Okay.

24 BY MR. PRYOR:

25 Q. Ma'am, were you interviewed by Southwest

1 Airlines after you made your complaint against
2 Charlene?

3 A. Yes.

4 Q. And did you, during that interview, state that
5 Charlene was anti-union?

6 A. When they asked me questions about who she was,
7 what kind of relationship I had with her, I said
8 that she had been very outspoken about my
9 administration and had opted out of our union.

10 I don't know that I used the word "anti-union,"
11 but I did say she had been outspoken against our
12 administration.

13 MR. PRYOR: Your Honor, may I now approach
14 the witness to refresh her recollection?

15 THE COURT: Yes.

16 MR. PRYOR: Exhibit 39.

17 BY MR. PRYOR:

18 Q. I'll hand you a copy of Exhibit 39.

19 I don't think it's in evidence, but I'm just
20 identifying it for the record.

21 I'll ask you to go to the third page.

22 See where it says, "What do you think would
23 cause" --

24 MS. GREEN: Objection, your Honor. He's
25 reading from a document that is not in evidence.

1 THE COURT: Sustained.

2 MR. PRYOR: Can I approach to identify?

3 THE COURT: You may.

4 BY MR. PRYOR:

5 Q. This page right here, do you see that? Does
6 that refresh your recollection as to whether or not
7 you said she was anti-union?

8 MR. GREENFIELD: I'm sorry. Counsel, can
9 you please show me the part of the exhibit that you
10 are reading from?

11 Can you please show me part of the
12 document so I can review it?

13 The part of the document that you are
14 looking at.

15 Thank you.

16 MR. PRYOR: The third page.

17 MR. GREENFIELD: Thank you.

18 BY MR. PRYOR:

19 Q. Does that refresh your recollection now that
20 you told Southwest Airlines that Ms. Carter was
21 anti-union?

22 MR. GREENFIELD: Objection, your Honor.
23 Counsel is testifying.

24 THE COURT: I will allow the question.

25 THE WITNESS: I don't recall using those

1 exact words, and there's other things in here that
2 it says I said that are not accurate.

3 BY MR. PRYOR:

4 Q. Let's go to the second page of that document
5 and see if it refreshes your recollection of the
6 document.

7 I have to be careful how I do this.

8 MR. GREENFIELD: Counsel, can you please
9 show me the section?

10 MR. PRYOR: The second page.

11 MR. GREENFIELD: Thank you.

12 THE COURT: And we can mute this from the
13 jury's screen if you want to show it on your screen.
14 It's up to you.

15 We can mute the jury screen so that we are
16 just showing the document --

17 MR. PRYOR: They have it but that is fine.

18 THE COURT: Just so everyone sees where
19 you are at, if that's easier.

20 MR. PRYOR: Sure. Let's do that.

21 THE COURT: Okay. Jury screens are muted.
22 You can publish.

23 MR. HILL: What exhibit is it?

24 MR. PRYOR: It is the second page of
25 Exhibit 39.

1 BY MR. PRYOR:

2 Q. Ma'am, does it refresh your recollection that
3 not only did you say she's anti-union, you said
4 she's very anti-union.

5 MR. GREENFIELD: Objection, your Honor.
6 Counsel is again reading from a document not in
7 evidence.

8 THE COURT: Sustained. I will strike that
9 question.

10 BY MR. PRYOR:

11 Q. Does it refresh your recollection regarding
12 what you said as to her union activity?

13 A. I have already stated that I know I answered
14 questions that she was not supportive, had for a
15 long time not been supportive of the union, was
16 against our administration. I don't recall the
17 exact words I used. And, again, there are --

18 Q. Let me try it again.

19 Do you recall telling them not once, twice, but
20 multiple times that she's anti-union?

21 MR. GREENFIELD: Objection, Your Honor.
22 Counsel is continuing to --

23 MR. PRYOR: I'm asking for her
24 recollection now.

25

1 BY MR. PRYOR:

2 Q. Has your recollection been refreshed as to
3 whether or not you told Southwest Airlines
4 repeatedly that Charlene Carter was --

5 MR. GREENFIELD: Objection, your Honor.
6 Asked and answered as well.

7 THE COURT: You've got to finish your
8 question first, and then give the objection, and
9 then I'll rule on it.

10 So ask your question.

11 BY MR. PRYOR:

12 Q. Does it refresh your recollection, after
13 looking at this document -- by the way, what is this
14 document?

15 A. It looks like it is a Southwest Airlines
16 document of someone that they had taking notes of
17 the phone call.

18 Q. And does it refresh your recollection that you
19 repeatedly told them, the reason Charlene was --

20 MR. GREENFIELD: Objection, your Honor.
21 Again, he's talking --

22 THE COURT: You have got to let him
23 finish.

24 BY MR. PRYOR:

25 Q. -- was sending these communications to you was

1 because she was anti-union?

2 THE COURT: You can answer.

3 THE WITNESS: I don't know what words I
4 used. I know I described her as not being friendly
5 towards the union administration for a long time.

6 BY MR. PRYOR:

7 Q. And you explained that that's why you
8 understood she sent you these messages, true?

9 A. No. I actually answered -- when I was
10 repeatedly asked why she would have sent me the
11 videos, I repeatedly said, I don't -- I don't know
12 why I was asked about my opinions on abortion, if I
13 ever had conversations with her about it, and I
14 stated over and over, I don't know. I have not ever
15 had conversations.

16 Q. It is on the screen. Let's look on this
17 document.

18 Are you telling me that when you were asked,
19 "What do you think would cause her to send the
20 message," you didn't repeatedly say, "She's
21 anti-union"?

22 MR. GREENFIELD: Objection, your Honor.

23 THE COURT: Sustained.

24 BY MR. PRYOR:

25 Q. Does it refresh your recollection that, in

1 fact, what you told Southwest Airlines was the
2 reason she sent you the message is that she's --

3 THE COURT: Counsel, this document is not
4 in the record, so we can't pull from it.

5 MR. PRYOR: I'm sorry?

6 THE COURT: This document is not in
7 evidence, so we can't pull from it. It can only be
8 used to refresh.

9 MR. PRYOR: I thought that was the way I
10 phrased my question. Did I not?

11 THE COURT: But then you started talking
12 about specifics in the document. That's where we
13 cross the line.

14 MR. PRYOR: I will not refer to the
15 document.

16 BY MR. PRYOR:

17 Q. You have now reviewed a portion of this
18 document, correct?

19 A. Yes.

20 Q. Does this refresh your recollection that when
21 you were asked, "Why do you think Charlene sent
22 these messages to you," your answer was --

23 MR. GREENFIELD: Objection.

24 BY MR. PRYOR:

25 Q. -- "She was anti-union"?

1 MR. GREENFIELD: Objection, your Honor.
2 It is asking what she was asked based on the
3 document.

4 THE COURT: Sustained.

5 MR. PRYOR: Another way to do it I'm going
6 to try. I don't mean to step on the ruling.

7 BY MR. PRYOR:

8 Q. Ma'am, has your recollection been refreshed
9 that you told Southwest Airlines the reason you
10 received these messages from Charlene Carter is
11 because she's anti-union?

12 MR. GREENFIELD: Objection, your Honor.
13 Counsel is again testifying about --

14 THE COURT: Sustained.

15 Do we need a sidebar?

16 MR. PRYOR: Yeah, I do.

17 (Thereupon, the following proceedings were
18 had at sidebar:)

19 MR. PRYOR: I don't know where I'm messing
20 up.

21 THE COURT: Well, so I think the thing is
22 you can't lead with a refresh. If you are reading a
23 refresh, you are pulling from the document itself.
24 That is not evidence.

25 MR. PRYOR: I will ask it not leading.

1 THE COURT: What did you tell them?

2 But the other problem is, this document
3 was Southwest's notes and not hers, so she can fight
4 this all day long, like she has.

5 You have to ask open-ended questions:
6 Does this refresh what you told them? And the
7 answer it is, it is.

8 MR. PRYOR: Thank you. I wish I
9 understood the rules of evidence. I said refreshed
10 and used my time.

11 THE COURT: It is all good.

12 MR. PRYOR: Thank you.

13 (Thereupon, the sidebar was concluded and
14 the following proceedings were held in open
15 court:)

16 THE COURT: You can proceed.

17 BY MR. PRYOR:

18 Q. Ma'am, has your recollection been refreshed as
19 to what you told Southwest Airlines regarding the
20 reason Ms. Carter sent you the messages that you
21 were complaining about?

22 A. As I have already stated, I don't know what my
23 exact words were.

24 I answered questions about her long-time
25 history of being against the union and expressing

1 that and not being happy with our administration.

2 Q. Is it fair to say that you did not read most of
3 the messages that were sent to you from 2015 to 2017
4 from Ms. Carter?

5 A. At the time I had this phone call?

6 Q. No. From 2015 to 2017.

7 I'm not sure what phone call.

8 Are you talking about when you looked at the
9 messages on your phone?

10 A. No. You were just asking me about the notes
11 from this phone call I had with Southwest.

12 Q. Right. I'm not asking you about this document.

13 I don't know if there is a way to do it. I
14 have difficulty with that.

15 So my question to you is, is it fair to say
16 that you did not read most of the messages you
17 received from 2015 to 2017 from Ms. Carter?

18 A. There were many of them that I had not looked
19 at prior to me reporting the last -- the videos to
20 Southwest.

21 Q. Are you able to tell us if it's most or not
22 most that you didn't read?

23 A. I don't know how many. There were so many
24 messages, and I did not keep track of what I read.

25 Q. Did you tell Southwest Airlines that you didn't

1 read them?

2 A. I know I told them that there were -- that
3 there were messages I had not read.

4 Q. Did you tell Southwest Airlines that you wanted
5 them to keep it a secret that you, as Union
6 president, were reporting a union member or a union
7 objector?

8 A. Keep it a secret? No.

9 Any report that goes to Southwest Airlines,
10 however, is supposed to be handled in a
11 professional, confidential manner when they are
12 doing an investigation.

13 Q. Did you ask Southwest Airlines to keep that
14 information from flight attendants?

15 MR. GREENFIELD: Objection, your Honor,
16 asked and answered.

17 THE COURT: Sustained.

18 BY MR. PRYOR:

19 Q. And did you talk to Southwest Airlines about
20 what you believed was a threat from another flight
21 attendant when you were interviewed about your
22 complaint against Ms. Carter?

23 If you are looking to refresh your
24 recollection, it's the last two pages.

25 A. Yes.

1 Q. And did you tell them that it was determined
2 that there was -- those were not legitimate
3 screenshots, that those were false screenshots, the
4 complaint you had against the flight attendant?

5 A. No.

6 Q. If you look at the last page, does that refresh
7 your recollection?

8 A. I didn't tell them they were false screenshots.
9 I didn't report those.

10 And these notes refer to me saying Jeanna
11 Jackson and Mike Hafner, and that was not who the
12 screenshot in question was -- was discussed. That
13 is incorrect.

14 Q. Did you tell Southwest Airlines that your base
15 manager pulled you aside and said it was determined
16 that there were false screenshots?

17 A. Yes, the base manager said that.

18 Q. Okay. And you have evidence to say the base
19 manager was wrong?

20 MR. GREENFIELD: Objection, your Honor.
21 The testimony calls for hearsay.

22 THE COURT: I will allow her to answer
23 only if she has personal knowledge.

24 THE WITNESS: I only know what was
25 reported to me by my base manager.

1 BY MR. PRYOR:

2 Q. And your base manager told you that that
3 complaint you were making was based upon a false
4 screenshot, true?

5 A. I did not make that complaint.

6 Q. Well, what were you being told? Why were you
7 talking to the base manager about it if it wasn't
8 your complaint?

9 I thought it was supposed to be confidential
10 when people made complaints.

11 MR. McKEEBY: Objection, compound.

12 THE COURT: Can you split it up?

13 MR. PRYOR: Sure.

14 BY MR. PRYOR:

15 Q. Did you just tell us a few minutes ago that
16 when somebody makes a complaint, it is supposed to
17 be confidential?

18 A. Yes.

19 Q. And did you talk to a base manager about
20 someone else's complaint about a flight attendant
21 with false screenshots?

22 A. The base manager approached me because that
23 screenshot went viral. It was posted on other
24 flight attendant airline pages. It was all over the
25 place. Everyone was talking about it. And I was

1 specifically named in the post.

2 So my base manager pulled me aside to say that
3 the investigation had been closed out and that they
4 did not believe that it was a -- not a real
5 conversation, that it had been generated.

6 Q. All right. Let's look at Exhibit 65.

7 I'm going to hand you a copy.

8 THE COURT: Are you moving for this?

9 MR. PRYOR: Yes, I move for the admission
10 of 65.

11 THE COURT: Okay. Morning objections.

12 Okay. I have overruled those, so it is
13 admitted.

14 You can publish.

15 (The referred-to document was admitted
16 into evidence as Plaintiff's Exhibit 65.)

17 BY MR. PRYOR:

18 Q. I have the same question about this I did about
19 Exhibit 15.

20 Is there anything in here that doesn't relate
21 to Ms. Carter raising her complaints about her
22 union?

23 If there are, tell me the page and we will talk
24 about it.

25 MR. GREENFIELD: Objection, your Honor.

1 There is no evidence that this is part of a
2 complaint.

3 MR. PRYOR: Have I got the wrong exhibit?
4 I thought we did 66 yesterday.

5 THE COURT: You did 66 yesterday, and we
6 are on 65 today.

7 MR. PRYOR: This has other items in it
8 that 66 does not.

9 THE COURT: Understood.

10 You can ask.

11 BY MR. PRYOR:

12 Q. Is there anything in Exhibit 65 that is not
13 Ms. Carter talking about her complaints about her
14 union?

15 MR. GREENFIELD: Again, objection, your
16 Honor.

17 There's been no foundation that this is
18 any sort of complaint.

19 THE COURT: I think it is an okay question
20 for him to ask.

21 THE WITNESS: I don't know what this --
22 what some of this is. Some of this I haven't seen.

23 BY MR. PRYOR:

24 Q. Ma'am, you have to bring the microphone to your
25 mouth for me.

1 A. I don't know what some of this is. I have not
2 seen a lot of this ever before.

3 Q. Okay. The first two pages we have talked about
4 before.

5 She's complaining about her union and what she
6 thinks is them supporting murder by supporting a
7 Planned Parenthood March.

8 Do you see those two?

9 A. Yes.

10 Q. And that is her complaining about her union,
11 correct?

12 A. I disagree that what she sent was complaining
13 about her union.

14 Q. So when it says, "TWU, AFL-CIO, and 556 are
15 supporting this murder," that's not her -- that
16 sounds like a pretty strong complaint about her
17 union.

18 MR. GREENFIELD: Objection, your Honor. I
19 don't know where counsel is reading from that.

20 MR. PRYOR: The first page of the exhibit.

21 MR. GREENFIELD: Thank you.

22 MR. HILL: I just highlighted it.

23 MR. PRYOR: Okay. It's on the screen.

24 MR. GREENFIELD: Thank you.

25 THE WITNESS: I don't believe we were

1 supporting murders or the images depicted in that
2 video.

3 BY MR. PRYOR:

4 Q. Union members are allowed to have a difference
5 of opinion, objectors are allowed to have a
6 difference of opinion and raise those, correct?

7 A. Yes.

8 Q. I didn't ask you if you agreed with her. We
9 know you don't. But it doesn't change the fact that
10 she's complaining about her union, correct?

11 A. Again, I don't believe that's complaining about
12 the union in that depiction.

13 Q. So just to make sure, where it says, "The union
14 is supporting murder," that is not a complaint about
15 the union?

16 MR. McKEEBY: Objection, asked and
17 answered.

18 THE COURT: Sustained.

19 BY MR. PRYOR:

20 Q. Let's go to the third page.

21 And this is the anatomically correct hats and
22 she's complaining about the union supporting this
23 and using our money for this, stealing from our dues
24 for things like this.

25 That's Charlene Carter complaining about her

1 union, correct?

2 A. What she wrote is, yes.

3 Q. What she wrote what?

4 A. What she wrote, yes.

5 Q. Okay. The picture, the picture doesn't
6 exemplify her complaint about what her union did?

7 A. No, I don't believe it does.

8 Q. So she's saying, These are the kind of things
9 that were at the March that you were supporting, and
10 here is a picture of it, and you don't think that is
11 related to her union activity and actions should be
12 taken against a union member that would do something
13 like that?

14 MR. McKEEBY: Objection, asked and
15 answered. Compound.

16 THE COURT: Sustained.

17 BY MR. PRYOR:

18 Q. Do you believe the pictures are part of her
19 union activity or not?

20 MR. GREENFIELD: Objection, your Honor,
21 asked and answered.

22 THE COURT: Sustained.

23 MR. PRYOR: Your Honor, she said the
24 words. I haven't been able to get her testimony on
25 the pictures.

1 THE COURT: I thought she answered that.

2 MR. PRYOR: Okay.

3 BY MR. PRYOR:

4 Q. Is there anything else in this document that
5 you looked at that you have seen before?

6 I handed you a copy of it. You can flip
7 through it.

8 A. After the fourth page, I don't know what any of
9 this is, and it is not things I recall ever seeing
10 before.

11 Q. Okay. Let's look at Exhibit 34.

12 MR. PRYOR: I move for the admission of
13 Exhibit 34.

14 THE COURT: All right. 34.

15 Morning objections from Union.

16 MR. GREENFIELD: Yes, sir.

17 THE COURT: Okay. I've overruled those,
18 so I will allow 34 in.

19 You can publish.

20 MR. McKEEBY: I'm sorry, was 65 admitted?

21 THE COURT: 65 is admitted --

22 MR. McKEEBY: Thank you, your Honor.

23 THE COURT: -- and now 34 is admitted.

24

25

1 (The referred-to document was admitted
2 into evidence as Plaintiff's Exhibit 34.)

3 BY MR. PRYOR:

4 Q. I direct your attention to the last page of
5 Exhibit 34.

6 First of all, what is Exhibit 34? That's Unity
7 Magazine.

8 A. It's a communication that is published on
9 behalf of the union by our communications
10 department, usually four times a year. Or at that
11 time, four times a year.

12 MR. PRYOR: Let's go to the last page.

13 BY MR. PRYOR:

14 Q. Do you see where it says, "Yippee ki-yay, and I
15 will see you online"?

16 Is that what you wrote?

17 A. Yes.

18 MR. PRYOR: We move for the admission of
19 21-Q, an unredacted version.

20 While you are looking, also 21-P.

21 THE COURT: All right. I have -- so I
22 have 21 as a whole. I know the objections on 21 as
23 a whole.

24 MR. PRYOR: There is an updated exhibit
25 list, your Honor, that has 21-A through it looks

1 like X.

2 This is a specific couple of pages.

3 THE COURT: Let's sidebar right quick.

4 (Thereupon, the following proceedings were
5 had at sidebar:)

6 MR. PRYOR: This says email 21-A through E
7 on it, so I don't have --

8 We are trying to keep the rest of it
9 secret. Now it is out. I have no idea why.

10 MR. McKEEBY: I don't know what they are.

11 MR. PRYOR: You don't?

12 THE COURT: Subparts of 21.

13 MR. McKEEBY: Show them to me. I just
14 don't remember right now.

15 MR. PRYOR: 21 is a bunch of emails that
16 are related to the investigation.

17 THE COURT: Sure.

18 MR. PRYOR: These are a couple of emails
19 that she's on, she's not on everything. We
20 divided --

21 THE COURT: She can't sponsor everything.

22 MR. PRYOR: I'm only offering things she
23 can sponsor. She's on the emails.

24 THE COURT: I recall 21 globally, that we
25 talked about 21, and the issue was limiting

1 instruction. This comes in as to Union, not
2 Southwest. I know there are other objections that I
3 overruled.

4 MR. PRYOR: If you haven't seen the
5 document, it is -- you have seen it. You just don't
6 know which one I'm referring to.

7 It is about Audrey Stone being included on
8 Brian Talburt complaints about Jeanna Jackson.

9 MR. McKEEBY: I object.

10 THE COURT: Can we agree all 21 subparts,
11 we will do the same thing, right?

12 I'm going to overrule the Union objections
13 but let him --

14 MR. GREENFIELD: I forwarded the Bates
15 numbers.

16 MR. PRYOR: Sure. I will get that to you.
17 I'm thinking for a second what else is in it.

18 Well, if something gets offered and I
19 think that the running objection doesn't apply or
20 the instruction, I will say something.

21 The fact that Brian Talburt brings a
22 complaint against Jeanna Jackson, I'm on board with
23 this because I understand -- I understand the
24 ruling.

25 I will not talk about what actually

1 happened to Ms. Jackson. These emails don't say.

2 A limiting instruction is not necessarily
3 in my view.

4 THE COURT: Okay. I will give the
5 colloquial instruction on all of 21. I'm admitting
6 21 --

7 MR. PRYOR: O and P right now. There may
8 be --

9 THE COURT: Right now I'm admitting O and
10 P.

11 Say it again.

12 MR. PRYOR: I will.

13 (Thereupon, the sidebar was concluded and
14 the following proceedings were held in open
15 court:)

16 MR. PRYOR: Your Honor, I have to come
17 back up.

18 (Thereupon, the following proceedings were
19 had at sidebar:)

20 MR. GILLIAM: Your Honor, my co-counsel
21 wants to use a document that you ordered to be
22 sealed.

23 MR. GREENFIELD: I can't hear.

24 MR. GILLIAM: We removed the names on the
25 emails. So he's going to reference a document that

1 you ordered to be redacted as a result of our motion
2 to file under seal. And just the addresses, in some
3 cases, the addresses identify who the recipient was
4 or who is cc'd.

5 And so I think Mr. Pryor would like to use
6 the document with that unredacted, even though you
7 ordered it to be redacted. He wants to use the
8 unredacted version to help identify who the
9 recipients are.

10 THE COURT: Okay. I can't remember the
11 redaction order.

12 Can you refresh my recollection on what we
13 ordered on redactions?

14 MR. GILLIAM: Yes. It was mainly
15 addresses --

16 THE COURT: Sure.

17 MR. GILLIAM: -- of opposing --

18 MR. McKEEBY: Whose addresses?

19 MR. GILLIAM: Brett Nevarez's address.

20 MR. McKEEBY: Maybe not the best example.
21 Who else?

22 MR. GILLIAM: Well, I mean, he's one of
23 the recipients.

24 MR. McKEEBY: I frankly don't care about
25 his address.

1 Generally, I don't think it is appropriate
2 for Southwest Airlines employees' addresses to be in
3 the record.

4 MR. GILLIAM: The main thing is we want to
5 establish who the recipients were.

6 THE COURT: We can stipulate one of the
7 recipients was Nevarez. Do we have to reveal the
8 email address to --

9 MR. McKEEBY: I can stipulate to it.

10 THE COURT: Like why reveal the email?

11 We all know it is Brett Nevarez. We can
12 stipulate it was Brett Nevarez.

13 You can say, The parties have stipulated
14 it was Brett Nevarez.

15 MR. GILLIAM: He's probably not the only
16 example.

17 MR. PRYOR: It is one thing, the email.

18 What was the basis for marking out names?

19 MR. GILLIAM: Well, in many cases, the
20 email address is the only thing that is there.

21 THE COURT: Don't --

22 MR. GILLIAM: Other examples.

23 MR. PRYOR: The ones that got unredacted,
24 that wasn't --

25 MR. GILLIAM: To clarify, Brett Nevarez

1 isn't the only example. We also have some Southwest
2 management employees, Julie O'Grady, Mike Sims.
3 They are WNCO addresses, email addresses.

4 It might make it easier if Mr. Pryor would
5 show Mr. McKeeby and Mr. Greenfield and your Honor
6 the document.

7 THE COURT: For the first one, can we
8 agree on the stipulation going forward, maybe we try
9 to agree in advance to the jury? There are five
10 stipulations. We added to the 15 that say these
11 exhibits went to these people. We are not showing
12 the people.

13 MR. GREENFIELD: Can we make it clarified
14 on the stipulation that it was emailed to them, not
15 necessarily that they received it? Just because I
16 think there is a difference.

17 THE COURT: Sure. Emailed to this person.

18 MR. GREENFIELD: Yes.

19 THE COURT: That is fine. Go back and say
20 which one you are doing, and then say, The parties
21 have stipulated that this email was sent to Brett
22 Nevarez. And then I will give the limiting
23 instruction.

24 MR. PRYOR: I have no idea who it was.

25 MR. GILLIAM: You have the unredacted

1 version. Just don't use the unredacted. Use the
2 redacted.

3 MR. PRYOR: I'm not in charge of the
4 computer.

5 (Thereupon, the sidebar was concluded and
6 the following proceedings were held in open
7 court:)

8 THE COURT: Sorry about that.
9 Housekeeping. But I think we got a path forward.

10 Okay. So which one are you moving to
11 introduce into evidence?

12 MR. PRYOR: We would move for the
13 admission 21-Q.

14 Your Honor, the unredacted version of this
15 is -- has some changes to it.

16 I will come back up.

17 (Thereupon, the following proceedings were
18 had at sidebar:)

19 THE COURT: Kevin, move the jury monitors
20 right quick. They may already be. They are.

21 MR. PRYOR: If you look at the unredacted
22 version and then look at this, this is
23 incomprehensible. The unredacted version is -- that
24 is the same document, but I have had that issue
25 before.

1 This looks like the same document.

2 So I can't even question her, really,
3 about what it actually says.

4 THE COURT: It sounds like we need to take
5 a break and redact it again.

6 MR. PRYOR: Tell me what you would like.
7 Just pull off the personal email that -- redact the
8 letter K or the letter W, like we did there?

9 THE COURT: Let's take a quick break, you
10 can call in and check in, and we will redact it on
11 the fly.

12 (Thereupon, the sidebar was concluded and
13 the following proceedings were held in open
14 court:)

15 THE COURT: I'm calling a morning break so
16 we can do some redactions of the next exhibit.

17 I have asked for redacting personal email
18 addresses, just so that they are not floating around
19 in court records everywhere.

20 So we have got one problem with an exhibit
21 we need to redact on the fly.

22 I'm going to give y'all a morning break
23 right quick. Sorry that it's earlier than planned.
24 And then we will see if we can power through until
25 lunch after that.

1 So let's take a 10-minute break. So let's
2 be back here at 9:58.

3 Yesterday I said it was going to be a
4 five-minute break, when it was ten.

5 And then the same three instructions as
6 always. Only talk to your fellow jurors and court
7 personnel, don't talk to anyone about the case, and
8 don't do any research about the case.

9 We will see you in ten minutes.

10 THE COURT SECURITY OFFICER: All rise for
11 the jury.

12 (The jurors exited the courtroom.)

13 THE COURT: You can leave, just don't talk
14 to anyone about the case.

15 (The witness exited the courtroom.)

16 (Recess.)

17 THE COURT SECURITY OFFICER: All rise.

18 THE COURT: Before we bring in the jury,
19 are we good to go on 21-Q?

20 MR. PRYOR: There are several 21s, but --

21 COURT REPORTER: I can't hear you.

22 THE COURT: Okay.

23 MR. PRYOR: My first exhibit will be 21-P.

24 THE COURT: 21-P is what you are going to
25 move for, and then I give them a global disclaimer

1 on all 21 subparts. They might have information
2 that is Southwest excluded, right? It's information
3 usable against the Union but not against Southwest.

4 Claims against the Union, not claims
5 against Southwest. I'm trying to keep it straight.

6 MR. GREENFIELD: Your Honor, I would just
7 like to see the final redacted copy or what it is
8 that is planning to be introduced. I haven't seen
9 it yet.

10 THE COURT: We've got the jury screens
11 muted. You can pull it up.

12 MR. PRYOR: He wants to make sure it is
13 done correctly.

14 THE COURT: I think it was personal emails
15 and addresses that we were redacting.

16 MR. GILLIAM: Show personal emails and
17 addresses on the screen, not to the jury.

18 MR. PRYOR: Keep going. It is RSP 66.
19 It's 21-P.

20 MR. HILL: This is 21-P.

21 MR. PRYOR: Oh, it is. Actually, not
22 mine, but okay, I will roll with it.

23 MR. GREENFIELD: Now, are those going to
24 remain redacted and we are stipulating that that is
25 who it was sent to?

1 MR. GILLIAM: That is my understanding.

2 MR. GREENFIELD: Okay. So it is going to
3 remain redacted to the jury, and your Honor is going
4 to make a stipulation that --

5 THE COURT: So what will the jury see?

6 MR. GREENFIELD: That's what I'm trying to
7 find out.

8 MR. PRYOR: No. I object to that. The
9 jury needs to know who these people are when they
10 get this exhibit. And you can -- certainly you can
11 mark out Brian's, but Julie O'Grady, leave her name
12 in and then take out the "@." The same thing with
13 B-R-E. The same thing with N-E-V-I-N-C.

14 I don't even think this needs to be
15 redacted at all. There is nothing top secret about
16 their email addresses.

17 THE COURT: Personal, yes, but WNCO, no,
18 right?

19 So personal email addresses, I ordered
20 this on the round of briefing and unsealing, so we
21 can't re-litigate that.

22 But so, for example, the AOL email
23 addresses, the MSN email address, and the Hotmail
24 address should be redacted. The WNCO, Julie O'Grady
25 should not be.

1 MR. PRYOR: Well, can we -- I'm sorry for
2 interrupting.

3 Can we leave out everything before the
4 "@" -- and leave in everything before at? That
5 doesn't tell their email address.

6 THE COURT: Are y'all okay with that?

7 MR. PRYOR: How does NEVINC --

8 THE COURT: I'm getting -- hold on. I'm
9 getting head nods.

10 Are we okay with redacting the AOL?

11 MR. McKEEBY: Yes.

12 THE COURT: Sounds fair.

13 So can we redact the domain name?

14 MR. PRYOR: The MSN.com.

15 MR. HILL: Sure. That is not an immediate
16 process, but I can -- I can get back there and do
17 it.

18 MR. PRYOR: Your Honor, before making this
19 exhibit available to the jury, we will make sure
20 that the redactions are as you have indicated.

21 I would like to just roll on then. I will
22 ask questions, and she will have to accept my
23 representation as to who it is from. If not, I can
24 show her the unredacted version.

25 THE COURT: Or we can have the

1 stipulation. I think we are all in agreement on who
2 these folks are tied to, right? And we can give
3 stipulations back to the jury that say, On
4 Exhibit 21-P, the following people received the
5 email.

6 MR. PRYOR: Okay. I will state that I can
7 represent to her who sent it, who received it, who
8 is on the cc. And if I get it wrong, they can
9 certainly tell me. It's right in front of me.

10 THE COURT: Understood.

11 Okay. Are we ready to bring in the jury,
12 and then we will try to get a thumbs up whenever we
13 get a publishable redacted version with domain names
14 off?

15 MR. PRYOR: I will live with the old one
16 if I have to, just to get us moving.

17 THE COURT: Your point is well taken.

18 The prefix doesn't matter as much as
19 withholding some of the information.

20 Okay. Let's bring them in.

21 (The jurors entered the courtroom.)

22 THE COURT: All righty. You can be
23 seated, and Mr. Pryor, you can continue.

24 MR. PRYOR: Thank you, your Honor.

25 We move for the admission of Exhibit 21-P.

1 THE COURT: 21-P.

2 On the prior objections on 21-P, my ruling
3 on those is, I'm overruling the Union objections on
4 21-P, but I am sustaining an objection to an extent
5 from Southwest.

6 All of the 21 subparts that you are going
7 to hear from are for use in the claims against the
8 Union but not the claims against Southwest.

9 That may matter for some exhibits more
10 than others, but I will just say that globally.

11 For 21 anything, those are useful for the
12 claims against the Union, not useful for the claims
13 against Southwest.

14 I will let you publish it when y'all are
15 ready when those redactions are completed. Just
16 give me a thumbs when they are, and I will make sure
17 I unmute the jury screens.

18 MR. PRYOR: Thank you, your Honor.

19 I'm going to trust my co-counsel to put it
20 on the right screen. And if not, it's not. It's
21 him.

22 THE COURT: No pressure. No pressure.

23 MR. PRYOR: 21-P, please.

24 MR. GREENFIELD: Counsel, may I have a --
25

1 BY MR. PRYOR:

2 Q. You have identified 21-P is an email that you
3 are carbon-copied on from Brian Talburt.

4 MR. GREENFIELD: Counsel, do you have a
5 Bates number?

6 MR. PRYOR: What is that?

7 MR. GREENFIELD: A Bates number for the
8 page?

9 MR. PRYOR: It is 66, APP 66, and it
10 pretty much goes from there.

11 MR. GREENFIELD: I understand.

12 May we conference, your Honor?

13 THE COURT: Sure.

14 (Thereupon, the following proceedings were
15 had at sidebar:)

16 MR. GILLIAM: I have a feeling --

17 THE COURT: The summary judgment record
18 filing.

19 MR. GREENFIELD: And I don't have a
20 problem with that.

21 I just don't know where to look within 21
22 because the Bates numbers for 21 don't align with
23 this 21-P. They are different. Unless it is
24 somewhere --

25 MR. PRYOR: This is the way it is. RSP

1 66.

2 MR. GREENFIELD: I understand.

3 THE COURT: How am I going to keep the
4 jury muted on all of 21?

5 You show it to us, and then y'all can make
6 your objection based on what you are seeing.

7 MR. GREENFIELD: I'm just trying to
8 understand where it is within 21. That is fine. I
9 just want to know where it is in the document.

10 THE COURT: Agreed.

11 (Thereupon, the sidebar was concluded and
12 the following proceedings were held in open
13 court:)

14 THE COURT: Okay. You can proceed.

15 BY MR. PRYOR:

16 Q. And you identified 21-P is an email that you
17 received from Brian Talburt?

18 A. Yes.

19 Q. Let's look at the second page.

20 And this is a post -- it's attaching a post
21 from Jeanna Jackson, who is a union member?

22 A. Yes.

23 Q. And her post says, "This recall is happening,
24 it is real and it is valid. If it wasn't, then all
25 of the anti-recall people would not be fighting so

1 hard to discredit the recall or any or all of its
2 supporters.

3 "From here on out, please be careful what you
4 post. The usual suspects are on the hunt to get
5 anyone and everyone in trouble with the principal's
6 office. There are tattletales on every group page
7 who like to keep the pot stirred, so just please be
8 mindful of the rules: No names, no initials, no
9 name calling. We are all allowed to have a
10 dissenting opinion from those who are in office at
11 556. That is a fact.

12 "I will continue to only post facts that have
13 been confirmed and can be backed up. Come at me as
14 you will, but we -- I/we have the truth on our side.
15 Feel free to PM or text me any information you deem
16 important. This recall is happening."

17 That is what the document says, right?

18 A. Yes.

19 Q. Do you agree that's protected union activity?

20 A. Yes.

21 Q. All right. Let's go to the first page.

22 By the way, she's saying she's predicting that
23 your team is going to take posts and charge people,
24 and so be careful.

25 That is one of the things she's saying, right?

1 MR. GREENFIELD: Objection, your Honor.

2 Counsel is testifying as to what his inference from
3 the document is.

4 THE COURT: I will allow it.

5 THE WITNESS: She doesn't say "my team."

6 I think she used the words "the usual suspects."

7 And I don't know who she is referring to there.

8 BY MR. PRYOR:

9 Q. So who is she trying to recall? You, right?

10 A. I, along with most of the rest of the executive
11 board.

12 Q. So she's saying, the people that are trying to
13 discredit us is your team.

14 You don't see that when she's talking about the
15 people that she's trying to recall?

16 MR. GREENFIELD: Objection, your Honor.

17 Counsel is testifying as to his interpretation of
18 what the document says.

19 THE COURT: I will allow it.

20 THE WITNESS: She says "the usual
21 suspects." I don't know who she's speaking of
22 there.

23 BY MR. PRYOR:

24 Q. Okay. Let's just be clear here, it's a recall
25 petition against your administration, and you don't

1 know who she's talking about, fair?

2 A. Correct.

3 Q. Let's go to the first page of this exhibit and
4 see what is being said about this protected union
5 activity.

6 This is Brian, and he's sending this email to
7 Julie O'Grady at Southwest Airlines, okay?

8 You can accept that representation. Counsel
9 agree.

10 I see it is blacked out on your screen.

11 Do you accept that?

12 A. Yes.

13 Q. And it's carbon-copied to you and Brett
14 Nevarez.

15 I know that's blacked out, but I can represent
16 that to you as well.

17 Do you accept that?

18 A. Yes.

19 Q. So two officers of the union, both who are
20 subject of a recall, send a communication to
21 Southwest Airlines.

22 Who is Julie O'Grady?

23 A. I don't know what her title was.

24 Q. She's at Southwest Airlines, right?

25 A. I believe so, yes.

1 Q. Look down below.

2 Do you know who Edgar Ma is?

3 A. There is a flight attendant named Edgar
4 Maynard.

5 Q. Okay. Is that one of your supporters?

6 A. Yes.

7 Q. That's one of the usual suspects, isn't it?

8 A. I don't know if that is who Jeanna was talking
9 about.

10 Q. So this email to Julie O'Grady says, "Julie, as
11 a follow-up to our conversation yesterday, I am
12 including the following recent posts.

13 "A further example of the public encouragement
14 and endorsement of retaliatory practices of Jeanna
15 Jackson and company. Sincerely, Brian Talburt."

16 That's what he wrote to you and sent to you as
17 president of the Union, isn't it?

18 A. That is what he wrote and sent to Julie and
19 cc'd me on.

20 Q. And you've told us that Ms. Jackson in this
21 post was engaged in protected union activity, and
22 Mr. Talburt is telling Southwest Airlines that it is
23 an example of retaliatory practices of Jeanna
24 Jackson, true?

25 A. Yes.

1 Q. And you are on that email. And I'm sure there
2 is going to be an email from you saying, Wait a
3 minute, Julie. That is wrong. That is protected
4 activity.

5 Did you do that?

6 A. No.

7 Q. You are on this email, president of the Union.
8 Southwest Airlines receives it. The president of
9 the Union is on there and being told that this other
10 union member is doing something inappropriate, and
11 you are on the email and say nothing. True?

12 MR. GREENFIELD: Objection, your Honor.

13 MR. McKEEBY: Objection, asked and
14 answered.

15 THE COURT: Sustained.

16 BY MR. PRYOR:

17 Q. Did you take any action to disavow the effort
18 in this email to have charges brought against a
19 union member who was engaging in protected activity?

20 MR. McKEEBY: Objection, asked and
21 answered, and mischaracterizes the testimony -- or
22 the email.

23 MR. PRYOR: This is broader. I asked --

24 MR. GREENFIELD: Your Honor, objection
25 that he's testifying as to a legal opinion -- a

1 legal fact. He's saying that it was in fact
2 protected activity.

3 MR. PRYOR: First of all --

4 THE COURT: I'll overrule on the legal
5 fact. You did broaden it.

6 I'll let her answer the question.

7 BY MR. PRYOR:

8 Q. You can answer.

9 A. Can you repeat the question?

10 Q. Did you take any action to disavow this email
11 that you are on trying to charge a union member with
12 Southwest Airlines for engaging in protected union
13 activity?

14 A. No.

15 MR. PRYOR: Let's look at 21-Q.

16 I move for the admission of 21-Q.

17 THE COURT: Same objections on 21-Q?

18 Okay. So I will admit 21-Q.

19 The same limiting instruction. Everything
20 in 21 is for use in the claims against the Union and
21 not in the claims against Southwest.

22 You can publish.

23 (The referred-to document was admitted
24 into evidence as Plaintiff's Exhibit 21-Q.)

25 MR. PRYOR: I was hoping for the

1 unredacted version. It's easier to read.

2 We don't have that? If we don't, I will
3 just read this and we will see how we do on it.
4 Maybe we can work through it without the unredacted.

5 BY MR. PRYOR:

6 Q. This is in an email in response to the email we
7 just looked at from Deborah Edwards at Southwest
8 Airlines. And you are on it, Julie O'Grady is on
9 it, Mr. Talburt is on it.

10 Do you accept those representations?

11 A. Yes.

12 Q. And --

13 MR. PRYOR: Oh, that's the same one I
14 have.

15 BY MR. PRYOR:

16 Q. Who is Deborah Edwards at Southwest Airlines?

17 A. At the time she was the Phoenix base manager,
18 which is where Mr. Talburt was based.

19 Q. Okay. Can you pull your mic closer to you and
20 tell me what you just said?

21 You are not willing to do that?

22 A. At the time she was the Phoenix base manager,
23 which is where Mr. Talburt was based.

24 Q. Okay. So this is a report to the base manager,
25 and she's -- she was on the email below.

1 I didn't mention her name.

2 And she says, in response to the email, "Thank
3 you for sending these to us, Brian. We will look
4 into this."

5 True?

6 A. Yes.

7 Q. And did you, in response to this email, tell
8 Southwest Airlines, You shouldn't be looking into
9 this against Ms. Jackson, the person trying to
10 recall me, because she's engaged in protected
11 activity?

12 A. No.

13 Q. Did you take any action to tell Southwest
14 Airlines that this was inappropriate?

15 A. No.

16 MR. PRYOR: Let's look at Exhibit 21-R.

17 BY MR. PRYOR:

18 Q. By the way, the date of that is February 23rd,
19 correct?

20 A. Yes.

21 Q. That's one day after you had reported Charlene
22 Carter for social media violation, true?

23 A. Yes.

24 Q. All right.

25 MR. PRYOR: Let's look at 21-R.

1 I move for the admission of 21-R.

2 THE COURT: Okay. Same objections?

3 Okay. Same ruling for me. I'm overruling
4 the objections other than giving the limiting
5 instruction on 21-R.

6 This is another 21 that's useful for the
7 claims against the Union but not for the claims
8 against Southwest.

9 You can publish.

10 (The referred-to document was admitted
11 into evidence as Plaintiff's Exhibit 21-R.)

12 BY MR. PRYOR:

13 Q. You were included on the email that is Exhibit
14 21-R, true?

15 A. Yes.

16 Q. And along with -- I think I have something that
17 tells me.

18 Who else is on 21-R?

19 So you are on it, Mr. Talburt is on it, and
20 Julie O'Grady at Southwest Airlines is on it.

21 Do you accept that?

22 A. My version is blacked out on who else was cc'd.

23 Q. No, I'm asking you to accept my representation.
24 Counsel have agreed. If I get it wrong, they
25 will tell me.

1 A. Okay. Yes.

2 Q. Okay.

3 So you know this is going to Southwest Airlines
4 when you receive it.

5 And it is yet again a complaint by Mr. Talburt
6 to Southwest Airlines about Jeanna Jackson, true?

7 A. I'm reading it. One moment.

8 Q. Okay. Just let me know.

9 A. Jeanna Jackson appears to be one of the flight
10 attendants he is complaining about.

11 THE COURT: Hold on. Is there an
12 objection?

13 MR. McKEEBY: It's not an objection. It
14 is a request for a more specific limiting
15 instruction, given some of the language in this
16 document, particularly about other employee
17 discipline.

18 You've given that instruction in the past,
19 but because this document is directly addressed to
20 that issue, I would request a little bit more
21 specificity in the instruction.

22 THE COURT: Sure. I will give it and then
23 I will ask Mr. Greenfield.

24 Okay. So y'all know what I've talked
25 about earlier how Southwest disciplined any employee

1 is not relevant to the claims in this lawsuit.

2 There are some exhibits that have that in
3 anyways, and we are not going to redact those out
4 because it is next to information that is relevant.

5 So I will just ask you to disregard
6 information as to Southwest, I mean how Southwest
7 treated any employee discipline-wise.

8 Thank you.

9 MR. GREENFIELD: Sorry, your Honor. I was
10 just preparing for a sidebar.

11 THE COURT: Okay. Do you need a sidebar?

12 MR. GREENFIELD: No. I thought we were
13 heading that way.

14 THE COURT: Okay. Got it.

15 MR. GREENFIELD: My apologies.

16 THE COURT: I think we channeled in code.
17 Did I satisfy your concerns?

18 MR. McKEEBY: Yes, your Honor.

19 THE COURT: Okay. We are good to go.
20 Now you can proceed.

21 MR. PRYOR: Thank you, your Honor.

22 BY MR. PRYOR:

23 Q. Let me make sure I understood your answer.

24 This is yet again another email from
25 Mr. Talburt.

1 At least in part, one of the people he's
2 complaining about again is Jeanna Jackson, correct?

3 A. Yes.

4 Q. Does he complain about others, did you notice?

5 A. Yes.

6 Q. Did he complain about other flight attendants?

7 A. Yes.

8 Q. Did he complain about other flight attendants
9 that are union members?

10 A. I don't know because I don't know who else he's
11 talking about.

12 Q. And he's reporting this to Southwest Airlines
13 for them to take action. He's requesting action,
14 right?

15 Did you read the last paragraph?

16 A. I'm assuming he's requesting that they take
17 action because he's complaining about various times
18 he feels like he's been harassed and retaliated
19 against.

20 Q. I want to go back to Exhibit 21-P. That is
21 where it had the post from Jeanna Jackson that was
22 reported to Southwest Airlines.

23 And in it she predicts that, you know what,
24 this group of -- this group of usual suspects, they
25 will be charging us for our efforts in this recall.

1 So be careful.

2 And in fact, her post about be careful, be
3 polite, don't say anything wrong, she gets reported
4 for that, and you are on the email doing it.

5 Is that right?

6 A. I was cc'd on the email that was sent in.

7 Q. Okay. My statement is correct, though, isn't
8 it? I'm happy to say it again.

9 A. Yes.

10 Q. Yes, my statement is correct. Right?

11 A. Yes.

12 MR. PRYOR: Let's look at Exhibit 21-T.

13 THE COURT: Same objections on 21-T?

14 All right. Same ruling from me.

15 I'm overruling Union objections on
16 allowing it in under a limiting instruction.

17 This is useful for the claims against the
18 Union, not useful for the claims against Southwest.

19 You can publish Exhibit 21-T.

20 (The referred-to document was admitted
21 into evidence as Plaintiff's Exhibit 21-T.)

22 BY MR. PRYOR:

23 Q. This is another email that you are on, dated
24 March 1st, along with Deborah Edwards, the base
25 manager, and management at Southwest Airlines,

1 yourself, and Mr. Talburt, correct?

2 A. Yes.

3 Q. And this is, once again, a complaint about
4 Jeanna Jackson and others?

5 A. I don't see Jeanna's name anywhere.

6 Q. Let's look at the attachment.

7 By the way, you really don't know who he's
8 talking about here, right?

9 Let's blow this up.

10 A. I would be making assumptions without any other
11 context of what I just read.

12 Q. Okay. This is the attachment to the email.

13 Do you see where it says "Jeanna Jackson"?

14 A. Yes, I do.

15 Q. And she's talking about the recall effort. And
16 it's not so blurred that I can't read it, but I'm
17 happy to read it for you.

18 But I will let you read it and tell us, do you
19 agree, again, that this is protected union activity?

20 MR. GREENFIELD: Your Honor, I would like
21 to object.

22 I think a sidebar would be appropriate.

23 THE COURT: Okay.

24 (Thereupon, the following proceedings were
25 had at sidebar:)

1 MR. GREENFIELD: There is a fine line that
2 counsel is walking on in what he continues to call
3 protected activity versus what she believes is
4 protected activity.

5 Defining something as protected activity
6 or not is a legal conclusion.

7 What she believes is protected union
8 speech, I believe, is a improper way --

9 THE COURT: I'm fine with that. It calls
10 for a legal conclusion, what she's used, what she
11 just talked about.

12 MR. GREENFIELD: I don't believe there is
13 in evidence that she used -- I don't know what that
14 means.

15 MR. PRYOR: She absolutely -- I will ask
16 that question that way.

17 THE COURT: I agree.

18 MR. PRYOR: It is her job.

19 THE COURT: I agree with yours.

20 MR. PRYOR: Because she is Union
21 president.

22 (Thereupon, the sidebar was concluded and
23 the following proceedings were held in open
24 court:)

25 THE COURT: All right. You can tweak that

1 like we talked about and ask it again.

2 MR. PRYOR: I will.

3 BY MR. PRYOR:

4 Q. Let me read this. Read along with me. Let's
5 make sure that we agree what this says, okay?

6 Because it is a little blurred, but I think it
7 is readable. If there is something I read that is
8 wrong, just go ahead and stop me, okay?

9 A. Okay.

10 Q. This is from Jeanna Jackson, TWU 556.

11 She's a union member, right?

12 A. Yes.

13 Q. "It appears our little recall that could is
14 having a profound effect on this union and not in
15 this president or someone's favor."

16 Is that -- EB, is that the executive board?

17 A. Yes.

18 Q. "Panic has set in at the amount of power. In
19 all of the" --

20 MR. PRYOR: Make it a little smaller.

21 Maybe I can read that. Yes. So it won't be quite
22 as blurred. Smaller, not bigger. Not quite as big.

23 That actually may have helped.

24 BY MR. PRYOR:

25 Q. Okay.

1 "Panic has set in at the amount of power. Our
2 voices have discussed outrage and shock, actually
3 have.

4 "With that being said, that panic is creating a
5 fight or flight affect that is affecting us. This
6 leadership is doing everything they can to stay in
7 power, even stooping so low as to turning
8 dues-paying members in for perceived SMVs."

9 Do you think that is social media violations?

10 A. Yes.

11 Q. In fact, that's what was going on, wasn't it?

12 You had done it, Brian Talburt had done it,

13 Mr. Nevarez was involved in it, true?

14 MR. GREENFIELD: Objection, your Honor.

15 THE COURT: I will allow it.

16 THE WITNESS: Mr. Talburt was not in
17 leadership, and to my knowledge, Mr. Nevarez had not
18 turned anything in.

19 BY MR. PRYOR:

20 Q. Well, you had turned in Ms. Carter and you were
21 involved in the emails turning in Ms. Jackson.

22 That much is true, right?

23 A. I was cc'd on them, yes.

24 Q. I'm sorry?

25 A. I was cc'd on them.

1 Q. I understand. That is involved. You received
2 it. You are the Union president. You were involved
3 to the extent that you were informed of it and the
4 Union president took no action to disavow it.

5 MR. GREENFIELD: Objection, your Honor.
6 Counsel is testifying.

7 THE COURT: I will allow it.

8 THE WITNESS: Yes.

9 BY MR. PRYOR:

10 Q. And you say, "They are having their minions
11 turn in members to management for any type of
12 discussion that they do not agree with and claiming
13 they are offended, which in turn creates an FF
14 meeting."

15 Fact-finding meeting.

16 That means Southwest is going to investigate
17 them, true?

18 A. Yes.

19 Q. In fact, you are even on the email where they
20 take this communication, complaining about that
21 activity, and turning her in for that. True?

22 A. Yes.

23 Q. "The president and executive board are
24 violating yet another bylaw, the one that says
25 members are allowed to have a dissenting opinion

1 from that of the Union without fear of reprisal or
2 lack of representation.

3 "I attach a screenshot of the actual bylaw.
4 Please read the whole paragraph."

5 I can read on. I think we can see it.

6 But it is clear that in your belief and
7 understanding as president of Local 556, this is
8 protected union activity. True?

9 A. Yes.

10 Q. And so when we go to the email where she's
11 being reported for engaging in this protected
12 activity, you once again are included as president
13 of the Union and take no action to disavow or inform
14 Southwest Airlines you disagree with the information
15 on which you are carbon-copied, true?

16 A. Yes.

17 MR. PRYOR: Let's look at Exhibit 21-U.

18 I move for the admission of 21-U.

19 THE COURT: Okay. Same objections, same
20 ruling. 21-U is in, but limited to the claims
21 against the Union, not the claims against Southwest.

22 You can publish.

23 (The referred-to document was admitted
24 into evidence as Plaintiff's Exhibit 21-U.)
25

1 BY MR. PRYOR:

2 Q. 21-U is an email from Brian Talburt on
3 May 15th. He includes Mike Sims and Sonya Lacore.

4 And Sonya Lacore is the one he was having the
5 discussions with about using social media policy to
6 target union members that he didn't like.

7 Do you recall that?

8 A. I recall that there was an email that he had
9 had with Sonya complaining.

10 Q. And you know, when we say it was his email, you
11 were forwarded that email and took no action, as I
12 remember, correct?

13 A. Yes.

14 Q. And you were also on this email where it says
15 "President at TWU 556."

16 That is you?

17 A. Yes.

18 Q. And once again, he's trying to get the company
19 to take action against Jeanna Jackson, the head of
20 the recall petition, true?

21 A. Yes.

22 Q. And he's specifically talking about using the
23 social media policy and even puts in a portion of
24 the policy itself, right?

25 A. I'm still reading. I haven't gotten to that

1 part.

2 Q. I'm sorry?

3 A. I'm still reading.

4 Q. Oh, okay.

5 A. Can you ask your question again, please?

6 Q. Yes.

7 Once again, this is, it looks like, maybe a
8 month and a half later, you are included on
9 communications where there are efforts by Brian
10 Talburt with the president of the Union on the email
11 where he's once again trying to get the company to
12 take action against Jeanna Jackson.

13 A. Yes.

14 Q. And at the top, I will tell you that
15 carbon-copy is not just you, Audrey Stone, but it is
16 also Brett Nevarez, who was also an officer of the
17 Union, true?

18 A. Yes.

19 Q. And who is Mr. Sims at Southwest Airlines?

20 A. He, at the time, and still now, is the director
21 of -- was in inflight for base operations, I
22 believe.

23 Q. And so he responds, "Thank you, Brian. We will
24 review your concerns."

25 And you had no response to that, true?

1 A. Yes.

2 MR. PRYOR: Let's look at 2-V.

3 MR. GREENFIELD: 21-V?

4 MR. PRYOR: I'm sorry.

5 I move for the admission of 21-V.

6 THE COURT: 21-V.

7 Same objections, same ruling. So I'm
8 overruling the objections, admitting it in for the
9 limited purpose of the claims against the Union, not
10 against Southwest.

11 You can publish.

12 (The referred-to document was admitted
13 into evidence as Plaintiff's Exhibit 21-V.)

14 BY MR. PRYOR:

15 Q. And so this is an email, and I think we will be
16 able to, before it goes to the jury room at the
17 conclusion of the trial, be able to take out enough
18 of the black marks that they will know who these
19 people are so I don't have to remember it right now.

20 But I will represent to you, this is an email
21 from Brian Talburt to Mike Sims, carbon-copied Juan
22 Suarez and Deborah Edwards and Sonya Lacore, a name
23 we have heard before.

24 Those are all Southwest people?

25 A. Yes.

1 Q. And it also includes Brett Nevarez and
2 yourself, the officers of Local 556, true?

3 A. Yes.

4 Q. And now it is July, and more complaints about
5 Ms. Jackson, true?

6 A. I'm still reading.

7 Q. Okay. Do you see it is about Ms. Jackson now?

8 A. Yes.

9 Q. Once again, this is an email that senior
10 officers of Local 556 are on where you have another
11 complaint about Ms. Jackson to Southwest Airlines,
12 true?

13 A. Yes.

14 Q. You took no action to disavow that either, did
15 you?

16 A. No.

17 Q. And to your knowledge, at any time did any
18 member of the officer team at Local 556 take any
19 action to correct this -- these reports to Southwest
20 Airlines against Ms. Jackson for engaging in
21 protected union activity, as you understand it?

22 A. No.

23 But I will also add, he references again in
24 this feeling harassed and being retaliated against,
25 and you can't do that even under the guise of

1 protected union activity.

2 Q. The harassment was that she was engaging in a
3 recall petition.

4 What harassment?

5 Have you seen any evidence of harassment in any
6 of the attachments?

7 A. In this particular exhibit, he's specifically
8 speaking about a physical address of another flight
9 attendant being published to 1,000 people.

10 Q. Okay.

11 A. I don't see the post. I don't know what he's
12 referencing.

13 All I have is what is in front of me.

14 Q. He makes some allegations, I see that.

15 But in terms of evidence that you are aware of
16 to support any of this, did you ask to see any
17 evidence or documentation to support anything that
18 would justify you, as Union president, not
19 responding to these emails and saying, quit picking
20 on a union member for engaging in union activity?

21 A. I saw a number of social media posts during
22 this time that were harassing and retaliatory in
23 nature towards various members.

24 Q. So where are they?

25 We would be happy to talk to you about them,

1 ma'am, or is this some more evidence that you don't
2 have?

3 MR. GREENFIELD: Objection, your Honor.

4 The witness is here to answer questions,
5 not produce evidence.

6 THE COURT: Sustained.

7 I sustained it. You need to ask a new
8 question.

9 BY MR. PRYOR:

10 Q. Where are these posts?

11 We have got lots of posts here. We've got lots
12 of evidence here.

13 MR. GREENFIELD: Objection.

14 BY MR. PRYOR:

15 Q. Please point to a post. We will be happy to
16 discuss it.

17 THE COURT: I will allow that.

18 THE WITNESS: I didn't put together the
19 exhibits. I don't know what exhibits Southwest or
20 the Union are preparing to bring in.

21 I know for a fact that there were numerous
22 posts on social media that were investigated
23 regarding harassment and retaliatory behavior and
24 that there were flight attendants disciplined for
25 those posts.

1 BY MR. PRYOR:

2 Q. Let's talk about that.

3 In fact, isn't what happened is, your union
4 leadership gathered as much social media information
5 as you could about your opponents, and you sent it
6 to Southwest Airlines and reported it, some of it
7 going back five years?

8 Isn't that what you did?

9 Is that what you are talking about?

10 A. No.

11 Q. You didn't do that? You had nothing to do with
12 that, that is your sworn testimony?

13 MR. GREENFIELD: Objection, your Honor,
14 asked and answered.

15 THE COURT: Sustained.

16 BY MR. PRYOR:

17 Q. Did you have anything to do with that?

18 MR. GREENFIELD: Objection, your Honor,
19 asked and answered.

20 THE COURT: Sustained.

21 BY MR. PRYOR:

22 Q. Let me try another. I didn't hear an answer to
23 my question, so I will broaden it.

24 Is it fair to say that you were aware of
25 complaints being made to Southwest Airlines about

1 recall petition supporters?

2 A. Yes.

3 Q. And in fact, did you and Rickie Spand bring
4 allegations against several union member flight
5 attendants to Southwest Airlines in that regard?

6 A. I can't speak to what Rickie Spand brought
7 forward. He and I didn't have conversations about
8 it.

9 I brought forward concerns of retaliation to
10 Southwest after I had reported Ms. Carter.

11 Q. And in fact, you brought, in addition to
12 everything -- the emails you were on, you also
13 brought a complaint against Jeanna Jackson, true?

14 A. Yes.

15 Q. Let me approach and show you Exhibit 132 to see
16 if this refreshes your recollection.

17 The underlined that I'm referring to --

18 THE COURT: We can't hear you if you are
19 not talking into a mic, Mr. Pryor.

20 MR. PRYOR: I'm directing her attention to
21 that. Directing her attention to that.

22 BY MR. PRYOR:

23 Q. Ma'am, I'm going to have you review
24 Exhibit 132, and specifically the information I
25 underlined for you.

1 I will ask you, do you recall that, in fact,
2 that you and Rickie Spand brought several complaints
3 against flight attendants?

4 A. As I already stated, I don't know what Rickie
5 Spand brought forward. I don't know what his
6 complaints were.

7 I know what mine was.

8 Q. And you are telling us it was only against
9 Jeanna Jackson that you brought a complaint?

10 A. No, that's not what I stated.

11 Q. Okay. So who in addition to Ms. Carter and
12 Ms. Jackson did you bring complaints against?

13 A. I believe the other one was Chris Click.

14 Q. I'm sorry, who?

15 A. Chris Click.

16 Q. That is right, Chris Click. That's the guy
17 that was elected president that got kicked out and
18 you ended up being president, right?

19 A. He wasn't elected president.

20 Q. I'm sorry?

21 A. He was not elected president.

22 Q. What was he elected?

23 A. First vice president.

24 Q. Okay. So that was the first vice president
25 that got kicked out.

1 Were you then put in as first vice president
2 and then promoted to president?

3 A. I was put in first vice president per our
4 bylaws, and due to succession in our bylaws, I
5 eventually moved up to the presidency once the
6 president was removed from office.

7 Q. So you are reporting a recall petition
8 supporter, a previous political opponent to the
9 company, and they are both union members, right?

10 A. Yes.

11 Q. Is it fair to say that you never reported a
12 union member that was a supporter of yours at any
13 time for anything they did? True?

14 A. Yes, because I never felt harassed or
15 retaliated against by a union supporter.

16 Q. You don't have to turn in violations of company
17 policy that you see, just only when you are
18 harassed?

19 A. I have the right, if I feel like I'm being
20 harassed or retaliated against, to report that per
21 Southwest Airlines policy.

22 MR. PRYOR: May I approach, your Honor?

23 THE COURT: You may.

24 (Thereupon, the following proceedings were
25 had at sidebar:)

1 MR. PRYOR: Would it violate the limine
2 instruction to ask her what happened to Ms. Jackson?

3 I would like to make an offer of proof on
4 it outside the presence of the jury, if I'm not
5 allowed to ask. I don't know what her answer would
6 be.

7 THE COURT: At the next break.

8 MR. PRYOR: Thank you.

9 (Thereupon, the sidebar was concluded and
10 the following proceedings were held in open
11 court:)

12 BY MR. PRYOR:

13 Q. Is it your understanding that Local 556 has an
14 affirmative duty to accommodate employees' religious
15 beliefs?

16 MR. GREENFIELD: Objection, your Honor.
17 Asking for a legal opinion as to --

18 MR. PRYOR: She's president of the Union
19 and has obligations --

20 MR. GREENFIELD: -- accommodating a
21 religious --

22 THE COURT: Hold on. No speaking
23 objections and no speaking responses.

24 I will allow her to answer the question if
25 she has personal knowledge.

1 THE WITNESS: The only discussion or
2 knowledge I ever had while president about religious
3 accommodations was with an attorney and protected
4 under attorney-client privilege.

5 BY MR. PRYOR:

6 Q. As president of the Union, you had no
7 understanding, apart from a privilege conversation
8 with your attorney, regarding the Union's
9 obligations to accommodate religious beliefs of its
10 members or objectors?

11 A. It came up once during my entire
12 administration.

13 Q. When did you have this conversation with an
14 attorney?

15 A. I don't recall at what point it was during the
16 presidency -- during my presidency. I just remember
17 what prompted the conversation.

18 Q. What prompted it?

19 A. For the inflight training flight attendant
20 candidates, the Union both spoke at training and
21 then hosted a union-sponsored dinner for the flight
22 attendant candidates.

23 And there was a flight attendant candidate who
24 had approached our treasurer at the time to ask
25 about not joining the union due to his religious

1 beliefs.

2 I wasn't a part of that conversation. The
3 treasurer came to me, and it was not something that
4 we had ever dealt -- I had never dealt with before,
5 he had never dealt with before, so we immediately
6 sought legal counsel.

7 Q. What was the religious belief involved?

8 A. That he was a Christian and -- again, to my
9 knowledge, I didn't personally speak to the flight
10 attendant -- and that his belief in the Bible, he
11 was not allowed to join a union.

12 Q. So he said he couldn't join?

13 A. That was his request. That based off of his
14 religious Christian beliefs, he did not want to join
15 the union, which would not take place until after
16 you actually successfully complete probation.

17 Q. All he has to do is opt out. Was he wanting to
18 not pay dues as well?

19 A. Correct. He was not requesting to opt out or
20 be an agency fee. He was requesting to pay zero
21 dues upon completion of probation.

22 Q. Okay. And did the union accept or reject that
23 accommodation request?

24 A. The accommodation request was never formally
25 made. He did not complete probation with Southwest

1 Airlines.

2 Q. So he never qualified even to be a union member
3 then?

4 A. Correct.

5 Q. Okay.

6 So since that time, having talked to your
7 attorney and understanding your duties in regard to
8 protecting religious views and accommodations for
9 them, have you provided any religious
10 accommodations?

11 A. No. There was nothing that came up outside of
12 that.

13 MR. PRYOR: Let me look at my notes.

14 We move for the admission of 21-X.

15 THE COURT: 21-X.

16 MR. McKEEBY: So I'm not sure I really
17 understand the exhibit.

18 Let's just go with it.

19 MR. GREENFIELD: Are we talking about
20 21-X?

21 THE COURT: 21-X.

22 MR. GREENFIELD: Can we have it pulled up
23 on the screens outside the jury?

24 THE COURT: We have got the jury screens
25 muted.

1 Can you pull up 21-X on the screen.

2 Now that you can see it, any other
3 objections to raise on 21-X?

4 MR. McKEEBY: Southwest has the same
5 limiting instruction request.

6 MR. GREENFIELD: No objection, your Honor.

7 THE COURT: Okay. I will overrule those
8 prior objections we discussed, and I will include
9 this with the same limiting instruction.

10 These are for the claims against the Union
11 and not for the claims against Southwest.

12 21-X is in.

13 You can publish.

14 (The referred-to document was admitted
15 into evidence as Plaintiff's Exhibit 21-X.)

16 BY MR. PRYOR:

17 Q. Can you identify 21-X as an email that you are
18 on, carbon-copied on, Brett Nevarez is carbon-copied
19 on, it is sent from Rickie Spand?

20 And that is one of your inner-circle people?

21 A. No.

22 It was sent from Rickie Spand and the entire
23 executive board was copied on it. He was not anyone
24 I would consider in my inner circle.

25 Q. He was what?

1 A. He was not someone I would consider in my inner
2 circle.

3 There was points he was very outspoken against
4 me and my administration.

5 Q. So Rickie Spand would not be someone in support
6 of your leadership, true?

7 A. Many times over the course of my administration
8 he was not in support of my leadership.

9 Q. How about in March of '27 [sic], was he on your
10 side then?

11 A. It appears so, yes.

12 Q. And he's sending to Suzanne Stephenson another
13 complaint about Jeanna Jackson and her recall
14 propaganda, true?

15 A. Yes.

16 Q. And you are on this, right?

17 A. Yes.

18 Q. Did you review it to see if it involved
19 protected union activity to see whether or not maybe
20 you should tell Suzanne Stephenson, Hey, there is
21 nothing wrong with that?

22 A. No.

23 Q. Is that a good example of how you performed
24 your duties as president of Local 556 in 2017?

25 A. Can you repeat the question?

1 Q. Yes.

2 Is that a good example of how you performed
3 your duties as president of the union in 2017?

4 A. No, that is not -- that is -- I don't believe
5 that not responding to this is representative of how
6 I did my job as president.

7 Q. So do you think now, you know what, I should
8 have, as Union president, exercised that fiduciary
9 duty to my member and make sure that Southwest
10 Airlines is not confused that this is union
11 activity?

12 Did you think to do that?

13 A. No. I did not get involved when a flight
14 attendant brought something forward to Southwest
15 management as a concern, or any part of those
16 conversations that they chose to have with
17 leadership.

18 Q. Well, ma'am, you are involved because you are
19 on the email.

20 If you are going to say, Hey, the fact that I'm
21 on there means nothing, why wouldn't you then
22 respond to Southwest Airlines -- yes, to Southwest
23 Airlines, and say, Hey, I'm not involved in this.
24 I'm not, as Union president, even going to comment,
25 as opposed to, it looks like the leadership of the

1 Union is on here and is either in support or
2 remaining silent.

3 MR. McKEEBY: Objection, asked and
4 answered, compound.

5 THE COURT: Sustained.

6 BY MR. PRYOR:

7 Q. You don't think you, as a good Union president,
8 should have taken action in regard to any of these
9 emails where reports are being made against your
10 political opponents?

11 A. No.

12 MR. PRYOR: Thank you.

13 THE COURT: Any further questions?

14 Any further questions?

15 MR. PRYOR: I'm sorry, your Honor.

16 Other than what we just sidebarred about,
17 I have no further questions at this time.

18 THE COURT: Sure.

19 I take that subject to, we can go ahead
20 and start cross-examination of the witness.

21 Do we know who wants to go first?

22 MR. GREENFIELD: I will, your Honor.

23 THE COURT: Okay. Go for it.

24 Go ahead, Mr. Greenfield.

25

1 CROSS-EXAMINATION

2 BY MR. GREENFIELD:

3 Q. Good morning, Ms. Stone.

4 A. Good morning.

5 Q. Counsel for the Plaintiff talked a lot about
6 the words that were sent and whether those were
7 protected activity; is that correct?

8 A. Yes.

9 Q. And did you testify that the words you saw
10 were, in your opinion, protected activity? Is that
11 correct?

12 A. Yes.

13 Q. Okay. I would like to talk a little bit about
14 the actions and the manner that went along with
15 those words.

16 In your opinion, if someone would have sent you
17 a horse head that was chopped off a horse with the
18 words on it, "We are going to recall you from
19 president, Audrey Stone," would the words themselves
20 be protected activity, in your opinion?

21 A. The words, yes.

22 Q. What about the manner in which it was sent?

23 A. No.

24 Q. Okay. What if the words that were protected
25 activity about recalling you included liable or

1 slander? Do you think, along with when those are
2 coupled together, that is still, in your view, was
3 protected activity?

4 A. Is there an example, just so I understand what
5 your idea of slander is?

6 Q. Yes.

7 And let's just move on to fraud for
8 specificity's sake.

9 Do you remember the recall petition that has
10 been discussed at length by counsel?

11 A. Yes.

12 MR. GREENFIELD: Can you pull up Exhibit
13 No. 134.

14 BY MR. GREENFIELD:

15 Q. Before we get into the specifics of the
16 document -- before we get into the specifics of the
17 document, what is your memory of the outcome of a
18 review of the recall petition?

19 A. That the recall petition was essentially deemed
20 unsuccessful and invalid because it contained a
21 number of fraudulent entries, forged signatures,
22 signatures of flight attendants who had -- who were
23 no longer with us, or there were white out, there
24 were expired signatures, white out on documents
25 where they just changed the date by a year.

1 Duplicate signatures.

2 A list of reasons where the recall fell very
3 short of reaching the number needed, um, for it to
4 even to be considered, um, valid.

5 Q. Did you consider the recall petition to be a
6 fraudulent document?

7 MR. PRYOR: Objection, leading.

8 THE COURT: Sustained.

9 BY MR. GREENFIELD:

10 Q. What were your opinions of the recall petition?

11 A. My opinion of the recall petition, um, was that
12 even the basis that it was started under, which was
13 a change in the duty day, contractual duty day, the
14 proposed change in the tentative agreement that was
15 rejected, I didn't believe that was even a basis for
16 a recall petition that a negotiated, agreed-upon
17 change in the contract wasn't a valid basis.

18 But the Union ultimately decided the Union
19 would do their due diligence and look into it, and
20 conducted a very lengthy, thorough examination of
21 the findings to determine whether or not what was
22 presented even met the criteria needed under our
23 bylaws, separate from whether or not the reason for
24 the recall was a valid reason.

25 Q. And who made that decision to review the recall

1 petition?

2 A. The executive board.

3 Q. Now, my understanding is that your testimony
4 yesterday, and/or earlier today, was that the recall
5 petition came about because of the failed tentative
6 agreement on the first CBA; is that correct?

7 A. Yes.

8 Q. Okay. Do you remember any of the board members
9 who voted against that tentative agreement No. 1?

10 A. Yes.

11 Q. Who are those board members, if you can recall?

12 A. They were Jessica Parker --

13 MR. PRYOR: Object on lack of foundation.

14 THE COURT: I'll allow it.

15 Ask the question. She can answer.

16 THE WITNESS: Jessica Parker, David
17 Jackson, Donna Keith, and BR Ricks. Those were the
18 four board members not named on the recall petition.

19 BY MR. GREENFIELD:

20 Q. Okay. Now, what steps, in your recollection,
21 did the executive board set up to review this recall
22 petition?

23 A. The steps set up were that there was going to
24 be a committee formed, and that for obvious reasons,
25 no one that was named on the recall would serve on

1 that committee or have any conversations.

2 Our typical Union process, and I think I even
3 spoke a little bit yesterday, is that our committees
4 have a liaison that serves as the go-between between
5 a committee and the executive board, who is the
6 governing body of the union.

7 So it was also agreed upon that the liaison to
8 the committee that was going to be reviewing it
9 could also not be a board member that was named on
10 the recall.

11 So the committee was set up with three of the
12 four board members who were not named and who do not
13 vote to send a tentative agreement out, and the
14 liaison was a board member who had come onto the
15 board since then and had not had any part of the
16 vote of the TA, and he was made the liaison for the
17 committee.

18 And they worked with legal counsel throughout
19 the process to ensure proper verification.

20 BY MR. GREENFIELD:

21 Q. Okay. So my understanding is the executive
22 board decided that a committee should be named to
23 review the petition; is that correct?

24 MR. PRYOR: Object, leading.

25 THE COURT: Sustained.

1 BY MR. GREENFIELD:

2 Q. Was a committee formed?

3 A. Yes.

4 Q. And who were the committee members who reviewed
5 the recall petition?

6 A. Jessica Parker, Donna Keith and John DiPippa.

7 Q. Ms. Parker opposed the first Collective
8 Bargaining Agreement?

9 A. Yes.

10 Q. And Ms. Keith opposed the first Collective
11 Bargaining Agreement?

12 A. Yes.

13 Q. And what about Mr. DiPippa?

14 A. Yes. And I'm sorry, I may not have listed him
15 earlier.

16 Q. And were those individuals named in the recall
17 petition themselves?

18 A. No, they were not.

19 Q. Can you identify this document?

20 A. Yes.

21 Q. And about a quarter way down the page, it has,
22 bolded, "Findings."

23 Do you see where I'm at?

24 A. Yes.

25 Q. "Entries found not valid fell into the

1 following categories."

2 Did I read that correctly?

3 A. Yes.

4 Q. "130 no employee numbers. 442 with no dates
5 associated to the entry. 19 with no dates, no
6 employee numbers."

7 And let's just go down a little bit more.

8 36 were filed by -- were signed by members in
9 bad standing; is that correct?

10 A. Yes.

11 Q. 49 were either signed by individuals who were
12 no longer with the company, who had quit and/or were
13 deceased; is that correct?

14 MR. PRYOR: Object, leading.

15 THE COURT: Sustained.

16 MR. GREENFIELD: Did I read that
17 correctly?

18 MR. PRYOR: Object, leading, based on the
19 previous question.

20 THE COURT: I will allow it.

21 BY MR. GREENFIELD:

22 Q. Did I read that correctly?

23 A. Yes.

24 Q. There were 504 duplicate signatures.
25 Did I read that correctly?

1 MR. PRYOR: Object, leading.

2 THE WITNESS: Yes.

3 BY MR. GREENFIELD:

4 Q. Only 15 agency fee objectors signed it,
5 correct?

6 MR. PRYOR: Object, leading.

7 THE COURT: It's fine.

8 THE WITNESS: Yes.

9 BY MR. GREENFIELD:

10 Q. "88 signatures did not match the employee
11 numbers."

12 Did I read that correct?

13 A. Yes.

14 Q. "115 signatures were either altered or the date
15 expired and year changed from year 2015 to 2016."

16 Did I read that correctly?

17 A. Yes.

18 Q. "1,612 issues of there being a white-out or the
19 date expired and year change from 2015 to 2016."

20 Did I read that correctly?

21 A. Yes.

22 Q. And why was -- why would that matter that the
23 date was changed from 2015 to 2016, if it mattered
24 at all?

25 A. The language in our bylaws is specific to a

1 time frame, and I believe it's recall -- the first
2 signature to when it's turned in, it has to be
3 within, I believe, a 12-month time period.

4 Otherwise, the signatures expire and can't -- cannot
5 be counted as a valid signature on the recall
6 petition.

7 Q. Okay. In total, how many invalid entries do
8 you see?

9 A. 3,503.

10 Q. And how many were required for a valid recall
11 petition of the board?

12 Let me ask it a different way.

13 A. 50 percent plus one of the membership, I
14 believe, is the -- I don't know the number, but I
15 believe that's the statistic needed.

16 Q. Okay.

17 A. The percentage.

18 Q. Do you have a recollection about how many
19 members of the union there were?

20 A. At this point, there were I think over 15,000.

21 Q. So if my math is correct, that would require
22 7,001 signatures for a valid recall petition?

23 A. Correct.

24 Q. At the end of examination, the name Chris Click
25 was brought up.

1 Do you remember -- did you testify that you
2 filed a complaint with Southwest Airlines against
3 Chris Click?

4 A. Yes.

5 Q. And what was the nature of that?

6 A. He had -- he was posting on social media and I
7 believe using my specific name and talking about me
8 in relation to turning in Ms. Carter.

9 Q. And why did you turn him in for that?

10 A. Because employees are supposed to be protected
11 under the Southwest Airlines policy to be able to
12 bring a complaint forward and not be subjected to
13 retaliation.

14 And it was one of my concerns and why it took
15 me many days between receiving the videos and
16 sending the complaint to Southwest, because I was
17 scared of being retaliated against.

18 Q. Now, it was discussed that Mr. Click was -- was
19 Mr. Click removed from office at any point?

20 A. Yes.

21 Q. Okay. And who are the other individuals who
22 were removed from office?

23 Do you remember their names?

24 A. Jerry Lindemann, who was treasurer, and Stacy
25 Martin, who was president.

1 Q. And in what year did that occur?

2 A. 2013.

3 Q. Okay. Can you explain to the jury the
4 circumstances as to how and why those individuals
5 were removed from office, if you know?

6 MR. PRYOR: Object, lack of foundation.
7 Request to voir dire the witness.

8 MR. GREENFIELD: I asked --

9 (Thereupon, the following proceedings were
10 had at sidebar:)

11 THE COURT: Why would you need to voir
12 dire the witness?

13 MR. PRYOR: He can't do it, if he's not
14 going to establish a foundation.

15 MR. GREENFIELD: I asked if she knew.

16 MR. PRYOR: You asked what were the
17 circumstances.

18 MR. GREENFIELD: If she knew.

19 THE COURT: You need a foundation for
20 answering the question.

21 MR. PRYOR: I didn't hear -- I guess I
22 still object on foundation.

23 He should find the basis of what she
24 knows. Is it double, triple hearsay? Does he want
25 to know her opinion? That is a different question.

1 I think we need more foundation. That is just my
2 objection.

3 THE COURT: I understand. I think it is
4 not offered for its truth, it is just offered for
5 the state of mind.

6 (Thereupon, the sidebar was concluded and
7 the following proceedings were held in open
8 court:)

9 THE COURT: Okay. You can proceed and
10 reask that question.

11 BY MR. GREENFIELD:

12 Q. Ms. Stone, if you have personal knowledge about
13 the circumstances -- let me just ask, do you have
14 any personal knowledge about the circumstances under
15 which Mr. Lindemann, Click and Martin were removed
16 from the executive board?

17 A. Yes, based off of that information that the
18 Union published to the membership and put out. I
19 wasn't a part of the process.

20 Q. Okay. And what is your understanding of why
21 they were removed?

22 A. There were questions about money and funds and
23 the way they were being utilized.

24 There was a presentation that they put together
25 depicting expenditures, attributing it to certain

1 board members. It was shown at some membership
2 meetings, not the others.

3 We are required to present the same information
4 at all membership meetings. A membership meeting is
5 one long meeting that you go to in each domicile to
6 have an opportunity for the members in each domicile
7 to come and stay abreast of union business.

8 So it was a combination of factors. And
9 ultimately it was deemed that some of their actions,
10 while in leadership position, were a violation of
11 our -- not only bylaws, but our TWU International
12 Constitution.

13 Q. Are you aware of any additional actions that
14 the Union took against those individuals?

15 A. Yes.

16 Q. What are those?

17 A. The Union filed a lawsuit because during the
18 time -- under our constitution, there -- just like
19 with Southwest -- there is an investigation, a due
20 process. Someone is not just removed.

21 And so they were suspended and were not allowed
22 to act in their leadership positions during that
23 time.

24 They ignored that. Actually broke into the
25 Union office. Sent Union communications out to the

1 membership with false information in it. And they
2 continued to spend Union dues and continued to act
3 as if they were still in their positions.

4 And the lawsuit filed was to try to recover the
5 money that they illegally spent during that time, as
6 well as to return Union property that the gentlemen
7 were in possession of that they had not turned over
8 upon their removals.

9 Q. And did that -- do you know if that lawsuit was
10 presented to a jury or not?

11 A. I know it went to trial. I believe it was a
12 jury trial.

13 Q. And do you remember the result of that trial?

14 A. The Union --

15 MR. PRYOR: Object, your Honor. It calls
16 for a legal conclusion.

17 We need more information about what the
18 charges were and what was done.

19 THE COURT: Hold on. That's a speaking
20 objection. If you want a sidebar, you can.

21 MR. PRYOR: Okay.

22 (Thereupon, the following proceedings were
23 had at sidebar:)

24 MR. PRYOR: Results of a jury trial is way
25 ambiguous as to what she's testifying about.

1 MR. GREENFIELD: It is a matter of public
2 record.

3 THE COURT: The judgment was --

4 MR. GREENFIELD: I would be happy to ask.
5 I have the document if the judge would like judicial
6 notice.

7 MR. PRYOR: As an exhibit?

8 MR. GREENFIELD: No. I have the document.

9 MR. PRYOR: A document. Fine.

10 Let me see it.

11 MR. GREENFIELD: Sure.

12 MR. McKEEBY: We are staying up here.

13 THE COURT: Wise.

14 (Discussion off the record.)

15 MR. GREENFIELD: Amended Judge Tonya
16 Parker. I know her.

17 MR. PRYOR: Let me see it.

18 How much is it? Where is Click? Stacy
19 Martin?

20 MR. GREENFIELD: Well, I will be specific,
21 if you would.

22 MR. PRYOR: Can I see this?

23 THE COURT: \$17,000.

24 You are wanting to do -- what are you
25 wanting?

1 MR. GREENFIELD: I would like to ask her
2 about it. If she doesn't recall, I would like to
3 ask the Court to take judicial notice that a
4 judgment was entered for \$17,570 against Stacy
5 Martin.

6 MR. PRYOR: For what? That is a judgment
7 of 17,000.

8 MR. GREENFIELD: Their entire case is
9 predicated upon the ability to tie protected
10 activity to actions.

11 What these supporters were doing were
12 spotting fraud. They were spotting illegal
13 activity. Their protected activity is lost at that
14 point. At least in the --

15 I can ask her what she believes.

16 MR. PRYOR: First of all, if you think the
17 centerpiece of it is cause, it is not. But in any
18 event, the recall petition, what you guys were doing
19 to people trying to recall, the \$17,000, what's it
20 for? Against Stacy Martin? It's only relevant if
21 somebody comes in and says what it is for and
22 somehow ties --

23 THE COURT: She talked about the scope of
24 the lawsuit, right?

25 So I think he can get into judgment. If

1 you want to pick it apart on cross, redirect, I
2 think that is fine.

3 MR. GREENFIELD: I have the charge to the
4 jury as well.

5 THE COURT: You can bring it in.

6 (Thereupon, the sidebar was concluded and
7 the following proceedings were held in open
8 court:)

9 THE COURT: You can proceed,
10 Mr. Greenfield.

11 MR. PRYOR: I have another objection, too,
12 if I can make it up here. I can state it shortly.

13 THE COURT: Let's state it shortly.

14 MR. PRYOR: Okay. I'll wait for the
15 question.

16 THE COURT: Okay. Go for it.

17 You can ask that question now,
18 Mr. Greenfield.

19 BY MR. GREENFIELD:

20 Q. There was a lawsuit brought, and to be fair, do
21 you remember if any of Mr. Lindemann, Mr. Click or
22 Mr. Martin were eventually dismissed from the
23 lawsuit?

24 MR. PRYOR: Was that a yes or no question?
25 I couldn't hear it.

1 MR. GREENFIELD: I asked if she remembered
2 if anyone was dismissed from the lawsuit.

3 MR. PRYOR: Object, leading. Object,
4 relevance. Object, prejudice. Object, lack of
5 foundation.

6 THE COURT: I will allow it.

7 THE WITNESS: I believe that Mr. Click and
8 Mr. Lindemann, yes, I believe they were dismissed.

9 BY MR. GREENFIELD:

10 Q. Leaving the former president, Mr. Martin, in
11 the suit?

12 A. Yes.

13 Q. And if you do have a recollection at all or
14 have personal knowledge, what was the result?

15 MR. PRYOR: Object, compound, so I can
16 form an objection.

17 THE COURT: I don't think it's compound.

18 MR. PRYOR: Okay. Then I object, lack of
19 foundation. Object, relevance and prejudice.

20 THE COURT: Overruled.

21 You can answer.

22 MR. PRYOR: I thought he said belief or
23 personal knowledge, which I thought was two
24 different things.

25 THE COURT: Recollection or personal

1 knowledge, which I think is the same thing.

2 So you can answer the question if you have
3 a recollection or personal knowledge of the result
4 of the suit.

5 THE WITNESS: The result was that
6 Mr. Martin was ordered, I think by the judge, to
7 return any personal property that he had and he was
8 also ordered to -- there was a monetary amount that
9 he was required to pay back the Union to reimburse
10 the money that they had spent during their
11 suspensions.

12 BY MR. GREENFIELD:

13 Q. And do you remember the amount of that money?

14 A. I don't remember the exact amount.

15 Q. If I brought you a document to refresh your
16 recollection, would that help?

17 A. Yes.

18 MR. GREENFIELD: May I approach?

19 THE COURT: You may.

20 BY MR. GREENFIELD:

21 Q. Did that help refresh your recollection?

22 A. Yes.

23 Q. And do you remember what that amount was now?

24 MR. PRYOR: Object, your Honor, to
25 foundation, relevance, prejudice.

1 And let's see if we wait five minutes and
2 see if it refreshes her recollection.

3 THE COURT: I'll overrule those
4 objections.

5 She can answer.

6 THE WITNESS: \$17,530.01, I believe.

7 BY MR. GREENFIELD:

8 Q. That is the amount of money that a jury found
9 that Mr. Martin had inappropriately spent on the
10 Union's behalf?

11 MR. PRYOR: Object, mischaracterizes
12 testimony. Object, leading.

13 THE COURT: I will allow it.

14 THE WITNESS: Yes.

15 MR. GREENFIELD: I have asked our tech
16 person to pull up Exhibit 6, which is the Collective
17 Bargaining Agreement between the Union and TWU,
18 Local 556.

19 THE COURT: It is already in, so we are
20 publishing.

21 MR. GREENFIELD: Thank you.

22 BY MR. GREENFIELD:

23 Q. I believe there was a discussion yesterday
24 about Article III; is that correct?

25 A. Yes.

1 Q. Okay. And can you read silently, as I read
2 below: "The right to manage and direct the working
3 forces subject to the provisions of this agreement
4 is vested and retained by the company."

5 Did I read that correctly?

6 A. Yes.

7 Q. Is that the provision you were trying to recall
8 yesterday?

9 MR. PRYOR: Object, leading.

10 THE COURT: I will allow that.

11 THE WITNESS: Yes, as well as some of the
12 language above in No. 2 where it states, "Employees
13 covered by this agreement shall be governed by all
14 company rules, regulations, and orders previously or
15 hereafter issued by proper authorities of the
16 company."

17 Do you want me to keep reading?

18 Q. That will be fine. Thank you.

19 I would like to go a little bit back in time
20 now.

21 When did you first become a flight attendant at
22 Southwest Airlines?

23 A. June 28, 2004. 18 years ago.

24 Q. And when you became a flight attendant, did you
25 make a decision to be a part of the Union?

1 A. It's a requirement upon -- to be a Southwest
2 flight attendant, it is -- you are a member of the
3 Union upon successful completion of probation unless
4 you voluntarily choose to opt out.

5 Q. And what were your personal feelings about
6 joining the Union?

7 A. I was excited. I didn't know anything about a
8 union. Growing up in East Texas, I hadn't been
9 exposed to it.

10 Someone early on told me to learn the contract,
11 to understand it, and know what my rights were,
12 because they would not always be offered to me. And
13 that there wasn't going to be Southwest reminding
14 me, you know, on some of the contractual provisions
15 that I could exercise.

16 So I started reading and learning about the
17 contract and the Union, you know, as a new
18 experience, as part of my journey with Southwest.

19 Q. And at some point, we know you became president
20 of the Union.

21 When did you become involved with the Union
22 separate from just being a member?

23 A. In I think the end of 2005, maybe early 2006,
24 somewhere in that time frame, another flight
25 attendant and I wrote a book called "Contract

1 Quickies."

2 The contract is very long. It is -- a lot of
3 it is legalese, it does not really include examples,
4 and it is difficult for flight attendants to
5 understand.

6 I thought it would be helpful if there was kind
7 of a more flight attendant-friendly guide that used
8 real-life examples to help explain some of the parts
9 of the contract that really affect us every day when
10 we are working.

11 So we wrote this little book. I was -- I knew
12 an officer at the time for the Union, you know, was
13 talking to him about it.

14 And it came on the Union's radar when the book
15 was -- you know, we were selling it for \$10.

16 When we started selling it, that's -- the Union
17 started, you know, recruiting me to get officially
18 involved, because I was already doing work to
19 educate our membership on my own.

20 I officially became a shop steward in 2006.

21 Q. And what were your duties as a shop steward?

22 A. My duties were assisting our domicile executive
23 board member in the base on anything they needed.
24 They were the elected representative on the
25 executive board.

1 But, you know, whether it was lounge and
2 helping them with lounge mobilizations where we
3 would go out and talk to flight attendants about
4 current events or hot topics, particularly during
5 negotiations.

6 Another responsibility was to represent flight
7 attendants in any mandatory meetings with members of
8 Southwest Airlines's management.

9 That included representing them not only in the
10 meeting, documenting the meetings, submitting those
11 to the Union. Sort of general shop steward
12 responsibilities.

13 Q. Did you hold any other positions outside of
14 shop steward before your presidency?

15 A. Yes.

16 Q. What else?

17 A. During the tentative agreement rollout of a
18 contract in 2009, I was on what at the time was
19 called the contract action team.

20 In the base, later on in my -- the same thing
21 that later on in my administration we referred to as
22 CAN.

23 But spending time in the bases, kind of the
24 liaison between the negotiating team and
25 rank-and-file flight attendants, to help them

1 understand the changes in the contract, make sure
2 everyone is making an educated vote, direct them to
3 negotiating team members if they needed to be.

4 I also became the Baltimore domicile executive
5 board member in 2008.

6 Also was the co-chairperson and chairperson of
7 our education committee.

8 I worked with our grievance team on Board of
9 Adjustments and arbitration work, which was
10 grievances that the Union was taking forward in
11 representation of memberships, of actually putting
12 those cases on in front of either Board of
13 Adjustment or an arbitrator.

14 Q. That will suffice. That's all right.

15 Did you hold any other offices or positions in
16 between that and becoming president?

17 A. I continued to hold the position of shop
18 steward throughout my Southwest career. I'm still a
19 shop steward.

20 And then I also held the title -- held the
21 position of first vice president briefly before
22 assuming the presidency.

23 Q. Okay. Why did you run for office?

24 A. Advocacy is -- is work I'm passionate about.

25 Prior to Southwest, I worked in the children's

1 mental health field and was an advocate for children
2 and adolescents who struggled with mental health
3 issues, as well as working with their families.

4 Union work was a different work group, but to
5 me, it was still about advocating for the --
6 advocating for people, and I have always been
7 passionate about education.

8 So I had started doing union work, really
9 enjoyed the work and thought I could make a
10 difference, and that is ultimately why I decided to
11 run.

12 Q. Okay. And when you ultimately became president
13 of the Union, did Southwest Airlines present you any
14 paperwork related to you becoming president?

15 A. No.

16 Q. Did they ask you to sign anything that said,
17 when you became president, that you had to give up
18 your rights as an employee?

19 MR. PRYOR: Object, leading.

20 THE COURT: I will sustain that one.

21 Can you rephrase?

22 MR. GREENFIELD: Yes, your Honor.

23 BY MR. GREENFIELD:

24 Q. Did you ever sign any documents that
25 relinquished your rights as an employee of Southwest

1 Airlines?

2 MR. PRYOR: Same objection

3 THE COURT: That one's good.

4 Overruled.

5 THE WITNESS: No.

6 BY MR. GREENFIELD:

7 Q. Were you ever under the impression that when
8 you became president, you relinquished your rights
9 as a Southwest employee?

10 MR. PRYOR: Object, leading.

11 THE COURT: I will overrule that.

12 You can answer.

13 THE WITNESS: No.

14 BY MR. GREENFIELD:

15 Q. Okay. We've talked -- I found this out for the
16 first time today about your book.

17 Are you an attorney?

18 A. No.

19 Q. Do you find, to this day, portions of the
20 Collective Bargaining Agreement difficult for you to
21 work through?

22 MR. PRYOR: Object, leading.

23 THE COURT: I will allow that.

24 THE WITNESS: Yes.

25

1 BY MR. GREENFIELD:

2 Q. And when you were -- let me take a step back.

3 At some point when you became president, you
4 also became lead negotiator for the CBA, correct?

5 MR. PRYOR: Object, leading.

6 THE COURT: I will allow that.

7 THE WITNESS: Yes.

8 BY MR. GREENFIELD:

9 Q. Did you do that yourself or were you a member
10 of a team doing that negotiation?

11 A. I was a member of a 5 percent negotiating team.

12 Under our bylaws, the president is also lead
13 negotiator. So I had four other team members.

14 Q. So as I understand it, when you became
15 president per the bylaws, you became lead
16 negotiator?

17 A. Yes.

18 Q. And on that team, on your negotiating team,
19 were there any legal representatives to help you?

20 A. Yes.

21 Q. And who was that?

22 A. We had -- we had two that represented us
23 throughout our contract negotiations, both through a
24 labor firm out of Miami, Phillips and Richard.

25 Mark Richard was our primary attorney at the

1 bargaining table, and then one of his associates,
2 Jeff Bott, also assisted at times.

3 Q. And who made the decision to bring them on to
4 the negotiating team?

5 A. Mr. Richard had been the Union's attorney for
6 contract negotiations since before I worked for
7 Southwest Airlines. He had already at that time
8 worked with the Union to negotiate two different
9 industry-leading contracts.

10 And when I came onto the team as lead
11 negotiator, they had already been prepping and
12 working on negotiations.

13 So it was already decided that he would
14 continue that role that he had been serving for many
15 years.

16 Q. So when you came on to work on the negotiating
17 team, negotiations had already been ongoing?

18 A. They had not been ongoing, but preparation for
19 them had been going on, because our contract became
20 amendable June 1st, 2013, and there is work that you
21 have to do to prepare before you actually just sit
22 down and start negotiating with Southwest Airlines.

23 A lot of research, behind-the-scenes work.

24 And the negotiating team had already started
25 that process under the president that was -- that

1 was removed.

2 The timing of those removals and the changeover
3 in leadership happened just before our contract
4 became amendable, and we were due to start
5 negotiations early in June. So there, again, had
6 been work that was behind the scenes, had been
7 performed by the negotiating team prior to my
8 arrival.

9 Q. Are you aware if the attorneys you just
10 mentioned were advising the negotiating team before
11 you joined?

12 MR. PRYOR: Object, leading.

13 THE COURT: I will allow that.

14 THE WITNESS: I -- I know that they had
15 spoken. I know that there had been conversations
16 that happened, that had happened prior, just as
17 preparation.

18 I also forgot to mention that our -- at
19 the time our TW International rep, representative
20 Garry Drummond, was also assisting the negotiating
21 team.

22 BY MR. GREENFIELD:

23 Q. Very good.

24 Before you joined the Union, did you understand
25 what a union was and what a union did?

1 A. Not well. I had a general sense that a union,
2 you know, was to help workers' rights.

3 The union -- the then-union administration,
4 when I was in Southwest training, did a little
5 exercise for the candidates that was very
6 illustrative to me and stuck with me. Really kind
7 of the lightbulb going off exactly in real life what
8 a union can do for people.

9 Q. Can you elaborate on that?

10 A. Um, our then-president at the time was speaking
11 to the class in the front of the room, and he asked
12 us all to stand up, and he said he was going to ask
13 a series of questions. And we didn't need to answer
14 out loud, but if our personal answer to any of the
15 questions was no, we needed to sit down.

16 And he started asking questions, like, um, are
17 you under 5'7 in height? Are you over 5'10? Do you
18 wear contacts or glasses? Do you wear glasses?

19 And he's going through and more people sit
20 down.

21 And he said, Are you male?

22 Eventually it got really personal and he asked
23 about weight. Do you weigh over I think it was
24 130 pounds.

25 And by the end -- age, too, I think was

1 another -- I don't remember all of them.

2 But by the end, I think there was one person
3 left standing in my -- in my class. At the time it
4 started with I think around 75 people.

5 And his comment was that, prior to the Union
6 being on property at Southwest Airlines, the only
7 person in that room that would have even been
8 qualified or eligible to apply to be a flight
9 attendant under their standards was that one person
10 left standing.

11 I never forgot that.

12 And the -- what a union means, it goes so far
13 beyond even negotiating rates of pay, that it opened
14 doors for people to do careers they never thought
15 were possible, especially because I was one of those
16 people sitting down.

17 Married was another question that I forgot.
18 Children.

19 And it is an exercise that I used during my
20 presidency when I spoke to the new-hire classes,
21 because I was that person sitting in the room that
22 really just had a kind of overview of unions but
23 didn't really understand what being a member of a
24 union meant or how it pertained to me even having
25 the opportunity to be in that room.

1 Q. Okay. I would like to turn to the specifics
2 of --

3 THE COURT: I'm wondering about breaking
4 for lunch a few minutes early because we gave you
5 your morning break so early that y'all may be ready
6 for lunch.

7 So are you okay now that I have totally
8 interrupted your flow, Mr. Greenfield, for me to
9 call that lunch break?

10 MR. GREENFIELD: If I said no -- of
11 course, your Honor. It is okay if you do.

12 THE COURT: Okay.

13 So the same instructions as always. You
14 can only talk to your fellow jurors and court
15 personnel, just not about the case, and please don't
16 do any research on the case.

17 We will see you in one hour, at 12:53.

18 All rise for the jury.

19 (The jurors exited the courtroom.)

20 THE COURT: Before you leave the stand, I
21 will just say, can we do the voir dire questions at
22 the end?

23 We have been on the record so long.

24 MR. PRYOR: That is fine.

25 THE COURT: Okay.

1 So they were asking to ask you questions
2 about a topic I've said the jury doesn't need to
3 hear about, but the lawyers are entitled to ask you
4 a couple of questions about one of those topics.

5 So let's come back at basically 55 minutes
6 from now. We will let you ask those questions, and
7 then we will bring in the jury and keep rolling with
8 your questions, Mr. Greenfield.

9 So you are free to leave the stand. Still
10 can't talk to anyone about the case.

11 (Thereupon, the witness exited the
12 courtroom.)

13 THE COURT: So anything anyone else has
14 that we need to talk about now?

15 Okay. Good to go.

16 Thank you.

17 (Recess.)

18 THE COURT SECURITY OFFICER: All rise.

19 THE COURT: Thank you. You can be seated.

20 All right. And just a heads up, we are
21 going to email y'all the current trial clock as of
22 the lunch break.

23 So this relates back to what I mentioned
24 earlier, Ms. Stone, there are things that I cut out
25 of this case, like what did Southwest do to any

1 employee. But there are times when a lawyer will
2 have a question that I don't let in front of the
3 jury, but it is appropriate for me to let them ask
4 you that question when the jury is not in the room.

5 So I will let you ask that question on
6 Jeanna Jackson.

7 MR. PRYOR: Thank you, Your Honor. For
8 clarification, this is not jury time, right?

9 THE COURT: This is not jury time, yeah,
10 that's correct. But you can't go beyond the scope
11 we talked about.

12 MR. PRYOR: Fair enough.

13 THE COURT: You can't ask anything you
14 want to.

15 MR. PRYOR: This will be very short.

16 BY MR. PRYOR:

17 Q. Ma'am, do you know what happened in regard to
18 any investigation by Southwest Airlines into Jeanna
19 Jackson as to any punishment she received?

20 A. I know that she was suspended, I believe twice,
21 following some sort of social media complaint and
22 violation and investigation.

23 Q. Was that as a result of a complaint that you
24 brought or Mr. Talburt or any other union member
25 that you know of?

1 A. I do not believe it was result of a complaint I
2 brought. I am not certain who brought forward the
3 complaints that resulted in those suspensions.

4 MR. PRYOR: That ends our offer.

5 THE COURT: Thank you. I appreciate that.
6 Anything else before we bring in the jury?

7 MR. PRYOR: Yes, your Honor.

8 THE COURT: What have you got?

9 MR. PRYOR: Your Honor, plaintiffs would
10 request additional jury time.

11 And from our conversation this morning,
12 when you were saying that you thought that I didn't
13 need to go through each of the documents, I told you
14 my recollection was I tried to do it globally and
15 she wouldn't let me.

16 The transcript shows on page 525, it says, Did
17 you receive the communications -- first of all, when
18 Ms. Carter sent you the communications, did you read
19 them?

20 Not all of them.

21 Which ones did you read?

22 I couldn't even tell you which ones I read,
23 there were so many.

24 "QUESTION: At some point, did you stop reading
25 them?

1 "ANSWER: Yes."

2 In the ones that you read, she was complaining
3 about things you or the union were doing, correct?

4 So I tried to ask it globally.

5 and her answer was, Not always.

6 Then I said, You are going to tell us that we
7 are going to have go and see an email or Facebook
8 communication from her where she's not talking about
9 a complaint to the union, true?

10 So I tried again to get her to go with me on
11 it.

12 THE COURT: I get that. What's your
13 request?

14 So you are saying that you had to ask
15 additional minutes that you hoped to not have to
16 ask? How much extra time do you think you burned on
17 that?

18 MR. PRYOR: No. No, no. I'm responding
19 to your comment this morning. Not because of this,
20 no. We need quite a bit more additional time for
21 other reasons. I'm saying, you felt like this
22 morning, that if we requested additional time, that
23 you would not be amenable.

24 You know, I'm not saying I'm the most
25 efficient attorney that ever tried a case, but the

1 example you gave, I was doing what I had to do to
2 show protected union activity. That is our burden
3 to the jury for every one of these communications.
4 And I tried to do it globally.

5 So and you certainly came up with a better
6 solution, although she still took over five minutes
7 this morning, sitting and reading -- which is fine.
8 I think that actually went quicker.

9 But, your Honor, at this point, this was a
10 key witness, it was central to this case, and we
11 think that the time spent with her was valuable to
12 prove our case.

13 We don't think that we wasted such time
14 that the Court should deny the time for additional
15 request.

16 We have 15 witnesses and we are -- we have
17 been spending the lunch hour trying to figure what
18 we can cut. We can cut some witnesses. I think
19 that it -- it doesn't afford our client the trial
20 that she's entitled, but I certainly wouldn't rise
21 it to the level of saying that it denies her a trial
22 or is incomprehensible to a jury.

23 However, if we are held to the current
24 timeline, it will. We will not be able to -- we are
25 going to have to cut crucial witnesses and crucial

1 testimony that we think denies our client a trial if
2 the Court stays with the current time limit.

3 We would request additional time. Like I
4 say, we are willing to cut witnesses that fall
5 outside -- that we would like to have, but that fall
6 outside, really, the due process aspect of the
7 trial.

8 So we need additional time, and I'm making
9 the request now, because we are going to have to
10 make those decisions now.

11 THE COURT: I understand your request.
12 I'm going to deny it at this point in time and I
13 will say on the record why.

14 What I was trying to preview this morning,
15 what my rationale was, I will say in the last trial
16 I had, the Government asked for more time when they
17 had three hours on the clock. And I said, It is too
18 early. Let's see how you use your three hours.
19 They used them wisely and didn't need more time.

20 At this point, when you got over five
21 hours left, I think that you still have time to
22 adjust. I haven't seen the adjustments. I know at
23 the start of the day, you said you'd spend an hour,
24 and you spent more. And so I need to see you
25 adjusting to the efficiency curve.

1 By that, I don't mean cutting witnesses, I
2 mean cutting questions. What do you want the jury a
3 week from now to really understand that that witness
4 said. Right? They will probably have three or four
5 takeaways from each witness. What are they going to
6 say?

7 Most witnesses can be done in half hour,
8 45 minutes. I know this witness was crucial. I
9 don't think crucial warrants over six hours.

10 So all of that to say, I get your request,
11 and I am inclined to try to find more time to give
12 you, but I can't give you the full measure of time
13 you seek. And I think whatever time I decide to
14 give you, it is premature for me say at this point
15 in time what that amount would be.

16 MR. PRYOR: Your Honor, to respond to your
17 "you want to see," respectfully, I was trying to
18 allow you to see that this morning. There were
19 additional issues that came up, but I certainly
20 truncated or I thought was more concise. The Court
21 is the one that -- the opinion that matters.

22 We have decided to, at this point, with no
23 additional time being offered, not call Mr. Parrott,
24 not call Ms. Parker, not call Mr. Conlon. We
25 believe those witnesses are important to this case,

1 but because of the Court's ruling, we cannot call
2 them.

3 Mr. Sims we will hold in abeyance in terms
4 of the order of witnesses, and at this point put him
5 to the end, hoping that we have additional time or
6 that there is time remaining.

7 We would still call, then, after that, in
8 order, Mr. Schneider, Ms. Hudson, Ms. Lacore,
9 probably cutting Ms. Emlet, and we have cut back the
10 designations on Mr. Talburt substantially. And we
11 will share those cutbacks with counsel -- we have
12 done them at the lunch hour -- so that we are
13 cutting his time back.

14 And we are --

15 THE COURT: For any witness --

16 MR. PRYOR: -- Ms. Carter.

17 THE COURT: Understood. And for any
18 witness who we have by depo, you are free to do
19 that.

20 MR. MORRIS: I'm sorry?

21 THE COURT: You are free to do that for
22 any witness who we have by depo. Right? If there
23 are three or four things you want the jury to take
24 away from that witness, you are fine to cut it down
25 to those things.

1 Which is what I've seen lawyers do in the
2 past.

3 MR. PRYOR: We will cut them all. And
4 Mr. Talburt's is being cut right now. He's our next
5 witness. So we will -- we cut it substantially.

6 So we are trying very hard. And I respect
7 the Court's opinion. I want you to see that we were
8 trying to respond to your concerns, and I still
9 believe we will need additional time --

10 THE COURT: Understood. And I will still
11 entertain that request. All right? And I am still
12 trying to crunch numbers on my end to see what we
13 have to give.

14 MR. PRYOR: Thank you, Your Honor

15 MR. McKEEBY: And I'm not sure if I heard
16 Ms. Lacore, I know I did not hear Ms. Schaffer in
17 that recitation. Can either or both of them be
18 released from their trial subpoenas?

19 MR. PRYOR: No. We -- if I didn't say
20 Ms. Lacore, I meant to. I would say we are still
21 doing Mr. Schneider. Mr. Schneider is a witness
22 that, unfortunately, will take some time.
23 Ms. Hudson and Ms. Lacore can be shorter, but we
24 need them. And Emlet, at this point, again, without
25 additional time, we would cut.

1 THE COURT: Well, and I'm not -- I don't
2 think you should cut any trial subpoenas, right?

3 MR. PRYOR: No. I don't -- I'm just
4 telling the Court -- no, no, no, let me be clear.

5 If I get more time, I want all of these
6 witnesses.

7 THE COURT: I get that.

8 MR. PRYOR: If I have enough time. But
9 under the time constraints that we currently have,
10 those witnesses that we think should be called, we
11 cannot call.

12 THE COURT: Understood. Mr. Greenfield.

13 MR. GREENFIELD: Mr. Parrott is dutifully
14 waiting in the hall again most of this day. Can we
15 release him, then?

16 THE COURT: I can't release someone from a
17 trial subpoena -- I should say, I'm not going to
18 release someone from a trial subpoena.

19 MR. GREENFIELD: Not from a subpoena, Your
20 Honor, just as a witness today.

21 MR. PRYOR: Yeah. And I'm unwilling to
22 release him from the subpoena, but I'm willing to
23 let him leave the courtroom now, and be on a one- or
24 two-hour call, if that works.

25 MR. GREENFIELD: It does. Thank you.

1 THE COURT: All right. Let's bring in the
2 jury. I want to make sure we maximize our time with
3 them, because that gives me more time to give you at
4 the end. If we spend all our day in sidebar with
5 them out of the room, then I have no more time to
6 give.

7 THE COURT SECURITY OFFICER: All rise for
8 the jury.

9 (The jurors entered the courtroom.)

10 THE COURT: Thank you. You can be seated.
11 And, Mr. Greenfield, you can continue.

12 CROSS-EXAMINATION - CONTINUED

13 MR. GREENFIELD: Your Honor, before the
14 break, we discussed Exhibit No. 134, as did
15 plaintiff in their examination of Ms. Stone. But I
16 don't believe it was ever offered into evidence. We
17 would like to do that at this time.

18 THE COURT: Okay. 134. Any objection to
19 134 coming into evidence from Carter -- or from
20 Southwest?

21 MR. McKEEBY: No objection from Southwest.

22 MR. PRYOR: No objection.

23 THE COURT: Okay. 134 is in. We will
24 publish.

25

1 (The referred-to document was admitted in
2 Evidence as Trial Exhibit 134.)

3 BY MR. GREENFIELD:

4 Q. Ms. Stone, welcome back from lunch. You
5 understand you are still under oath at this time?

6 A. Yes, sir.

7 Q. Okay. Now that we have all eaten lunch and are
8 probably going to be a little bit sleepy, I'm going
9 to go ahead and ask you some boring questions and
10 hope everyone doesn't fall asleep.

11 I would like to talk to you just a little bit
12 about unions and union operations in general.

13 Can you tell the jury a little bit about the
14 structure of TWU Local 556, as a union?

15 A. Our structure is initially governed by the TWU
16 international constitution, which it states that a
17 local elected executive board will be the governing
18 body of the local union.

19 The executive board is made up of flight
20 attendants. The size is determined based on the
21 size of the membership. So the larger the
22 membership, potentially the larger -- there is a
23 formula used to determine how many -- the size of
24 the executive board.

25 During my administration, the executive board

1 was made up of 17 flight attendants.

2 That is who made, you know, decisions overall
3 about the running of the union. But then within our
4 Local 556 bylaws, which were voted on by the
5 membership, there are different duties assigned to
6 the various board members.

7 Some are very specific, like the president is
8 responsible for staffing the union office, with
9 executive board approval, down to listing
10 responsibilities of the treasurer, for his or her
11 day-to-day job.

12 We also had flight attendants who were what we
13 would call on a full-time union pull. Which means
14 they are still considered a Southwest Airlines
15 flight attendant, but they are working in a
16 full-time capacity for the union.

17 They worked seven days a week, actually, in our
18 union office, answering phone calls, filing
19 grievances on behalf of the membership, the
20 day-to-day direct contact in membership questions.

21 Then we also had various committees, I think
22 over 20, that were comprised of flight attendants.
23 The committees, I think I mentioned earlier,
24 education committee responsible for helping educate
25 our flight attendants on hot topics, contractual

1 issues.

2 We talked about the negotiating committee. And
3 a few joint committees within Southwest.

4 So primarily, all flight attendants that are
5 doing the day-to-day business, we had a -- one, when
6 I started, and then it grew to, I believe, three,
7 non-flight attendant staff working in our union
8 office.

9 An IT person. We had someone -- basically, it
10 is the check and balances for payroll, who is not a
11 flight attendant.

12 And then we also, we had two -- actually, four,
13 by the time I left -- non-flight attendant staff
14 positions.

15 But outside of those four people, union
16 leadership, committee involvement are made up flight
17 attendants who are union members. So I will stop
18 there.

19 Q. I think everyone is still awake. Thank you,
20 Ms. Stone.

21 I would like to talk to you about two specific
22 items that you brought up a second ago, and I would
23 like to start with the executive board.

24 How does the executive board of the union come
25 into position?

1 A. Currently, under our bylaws, executive board
2 elections are held every three years. The entire
3 executive board is up for reelection at the same
4 time. We don't have staggered elections. So all
5 active members have an opportunity to participate
6 and vote.

7 The domicile executive board member positions
8 are only voted on by the members into those
9 respective domiciles, or we call them bases, where
10 we are stationed out of for work.

11 Any national board position or officer is voted
12 on by the entire membership body, regardless of
13 where they are based.

14 And then we have language in our bylaws that
15 dictate in the event somewhere in the three-year
16 election cycle there becomes a vacancy on the
17 executive board, how that process works to fill the
18 vacancy until the next election, under that process.

19 If the vacancy occurs in the first half of the
20 term, which is the first 18 months, then the
21 position is offered to the next highest vote getter
22 for that position, in the -- in the previous
23 election.

24 Under our bylaws, in the second half of the 18
25 months of the term, then the executive board is

1 responsible for -- responsible for appointing the
2 vacancy for that position.

3 Q. Thank you.

4 And that process you just described as far as
5 vacancies, et cetera, was that at play when you
6 became president the first time around?

7 A. Yes.

8 Q. Okay. And is that how you ultimately became
9 president?

10 A. Yes.

11 Q. Okay. And at some point, you ran for
12 reelection. I believe you said after a three-year
13 term?

14 A. It was roughly just under two years after I
15 became president. I became president in 2013,
16 approximately one year into that term.

17 And I ran for -- I ran in the election in early
18 2015 for the president position.

19 Q. And what did the membership decide on your
20 reelection campaign?

21 A. I was voted in as president.

22 Q. Okay, thank you.

23 You talked about voting and voting for
24 executive boards. Are all union members allowed to
25 vote?

1 A. All union members are allowed to vote, yes.

2 Q. Is there any group of individuals that are
3 flight attendants of Southwest Airlines that are not
4 allowed to vote?

5 A. Yes.

6 Q. Who is that group?

7 A. Two groups. Probationaries. So any flight
8 attendant that is currently on probation under our
9 Southwest Airlines contract. A flight attendant is
10 on probation their first six months of employment
11 after successfully completing training. And because
12 they don't actually become a full member until the
13 completion of probation, they are not allowed to
14 vote in an election. Or if they do, their vote is
15 removed or not counted.

16 And then, anyone who is no longer a member of
17 the union because they have chosen to opt out of the
18 union, they are not allowed to vote in any or
19 participate in any union election.

20 Q. And are those individuals referred to as AFOs,
21 or objectors, as we heard earlier? Is that what you
22 are describing?

23 A. Yes. All of the same group of people,
24 different terms.

25 Q. So what is an objector, Ms. Stone?

1 A. An objector is someone who has chosen to opt
2 out of the union. Our agency -- it is called agency
3 fee policy is set by TW International. They
4 determine, for the people that have opted out of the
5 union, what percentage of their union dues are going
6 to be refunded to them each year.

7 They do the calculations, and send it to all of
8 the locals as to what that -- they handle that
9 piece. But it is whatever percentage of union dues
10 was not spent directly on -- basically, membership
11 representation.

12 That could be the day-to-day running of the
13 union office, contract negotiations, anything
14 related to that.

15 The pieces that are excluded and refunded back
16 are, for example, charitable donations. That falls
17 outside the scope of direct member representation.

18 And so that is one of the categories that they
19 utilize to determine the percentage of dues that is
20 refunded to an agency fee payor or someone who has
21 opted out, or an objector.

22 Q. Are there any specific rights that agency fee
23 objectors lose when they opt out of the union, as
24 far as their participation in union activities?

25 A. Yes.

1 Q. What are those? Sorry.

2 A. By choosing to opt out, they completely lose
3 their voice in terms of getting to participate in --
4 not only the election, they can't attend any kind of
5 union meeting. Whether it is a membership meeting,
6 a special meeting held, you are not allowed to
7 participate at all in any of the activities of the
8 union.

9 Q. Okay. Now, to tie that back to what you
10 discussed as far as the structure of the union, you
11 discussed grievances. Okay?

12 Are -- tell me broadly about the grievance
13 process at Southwest Airlines in relationship to the
14 union's role.

15 A. We have a lot of contract language in Article
16 19 and 20 that go through both side's
17 responsibilities. We have time frames associated
18 with all grievances that are outlined in the
19 contract.

20 Any time a flight attendant has either a
21 question about whether they might have a grievance,
22 or believe they have a grievance, then they are
23 directed to contact the union office, speak to one
24 of our flight attendants there that works in the
25 union office. And if a flight attendant chooses to

1 file a grievance, then the union should file it --
2 should file a grievance on the flight attendant's
3 behalf.

4 We file grievances from everyone. Someone who
5 has opted out of the union, it does not preclude
6 them from having union representation for the union
7 answering contract questions they may have or from
8 filing a grievance. We still have a responsibility
9 to file a grievance and represent them, if they
10 request union representation.

11 The contract outlines next steps of the
12 grievance process, and again, time frames of how --
13 when a flight attendant has a responsibility to even
14 notify and file a grievance, as well as on the
15 opposite side, how long Southwest has to
16 investigate, respond, et cetera. Whether it is a
17 contractual grievance or a discipline case that has
18 been initiated by Southwest Airlines.

19 Q. From a 5,000-foot view, can you take us through
20 the steps of the grievance process if a complaint
21 had been filed against a flight attendant, and the
22 union's role in that representation through that
23 grievance process?

24 A. Just to clarify, so, like a potential
25 discipline grievance?

1 Q. Yes. Perfect.

2 A. Okay. We would find out about it if the flight
3 attendant contacted the union office and said that
4 Southwest Airlines is calling them in for what is
5 commonly referred as a "fact-finding meeting."

6 Fact-finding meetings can result in discipline.
7 We always encourage people to take any
8 representation into those meetings.

9 We have -- any flight attendant working in the
10 grievance office could set that up, but we -- at
11 least under my administration -- tended to have
12 people whose kind of primary job was that, who know
13 who the shop stewards are on the base. That -- if
14 the flight attendant specifically requested a
15 certain shop steward or the domicile executive board
16 member, then the person working in the office would
17 start working on seeing if that person is available,
18 could that request be accommodated, when is
19 Southwest wanting the meeting to be held.

20 The union office will also coordinate if the
21 meeting time or date needs to be shifted to
22 accommodate everybody's schedule.

23 The union office will coordinate with the shop
24 steward or domicile executive board member that is
25 going to be representing them on the details as we

1 know them at that time, whatever the flight
2 attendant has been told.

3 And then whoever is assigned to be their
4 representative should be making contact with them in
5 advance of the meeting, trying to find out from the
6 flight attendant, is there any additional
7 information, is there -- do you know what this could
8 be about, trying to get as ready as possible sitting
9 down with the flight attendant. And then that
10 representative accompanies the flight attendant into
11 the meeting.

12 They are, I believe, always held on Southwest
13 property. And Southwest usually has somebody
14 conducting the meeting, leading the meeting, as well
15 as somebody taking notes.

16 Whoever the union's representative is, is
17 responsible to take notes, as well as be the
18 advocate, when needed, for the flight attendant
19 during the meeting.

20 And part of their job is to make sure that
21 Southwest is abiding by the language of the contract
22 and conducting what should be a fair and thorough
23 meeting, as part of the investigation process,
24 outlined in our contract.

25 Once the meeting concludes, the representative

1 should submit their notes back to the union office,
2 so that the union has a record of what happened in
3 that meeting, so that the union knows when the
4 deadline is for Southwest Airlines to issue a
5 decision in the case.

6 Because if they fail to meet that time frame,
7 then it is -- it is over, and they can't come back
8 later and try to issue discipline for that
9 infraction.

10 If they issue discipline, the flight attendant
11 has the option to grieve that discipline under the
12 Collective Bargaining Agreement.

13 And if they grieve it at that point, it would
14 then -- the case would be turned over to someone
15 that we call -- I believe they are still called a
16 grievance specialist.

17 So it is someone whose primary job working in
18 the union office is to file grievances and work on
19 those.

20 Under my administration, it tended to be a
21 rotation. We had a grievance chairperson, who
22 oversaw the grievance specialist, and she kept track
23 of case loads. So when a grievance came in, looking
24 to see, it was kind of like who was next to take --
25 to take a case, the availability to take a case.

1 That is how cases were assigned, in terms of who was
2 going to be handling it.

3 And then once the grievance specialist has it,
4 the next step in the process would be working with
5 Southwest Airlines to schedule what is called a Step
6 2 hearing, which is the first -- well, second piece,
7 I guess, in the appeal process, if you look at
8 filing the grievance -- filing the grievance itself
9 is the first step in appealing a decision Southwest
10 made.

11 Then the second step would be what is called a
12 Step 2 hearing, where grievance specialists, union
13 reps could accompany the flight attendant to another
14 meeting of Southwest management. But the person
15 hearing the meeting is not going to be somebody from
16 that base, and it is somebody that is in a higher
17 position than whoever made the decision to issue
18 discipline.

19 Step 2 process, Southwest has the option to
20 agree to the grievance, deny the grievance, or offer
21 a settlement, you know, which could be accepting
22 parts of the agreement, not others.

23 After a Step 2 hearing, if -- if a discipline
24 is not removed and a flight attendant wishes to
25 continue through the grievance process, then the

1 next step would be for the case to come before the
2 executive board of the union, as the final governing
3 body of the union.

4 The grievance specialist would put together a
5 packet full of all of the information, the notes
6 from the two meetings that happened so far. Any
7 relevant information or documentation the flight
8 attendant has been able to provide, whatever
9 Southwest Airlines has utilized in determining their
10 decision for discipline.

11 And then the case comes before the executive
12 board.

13 The flight attendant has the right at any point
14 in this process to withdraw their grievance if they
15 don't want to continue.

16 The case comes before the executive board. The
17 executive board hears the case, votes on the merits
18 of the case.

19 Voting members of the executive board are
20 everyone present except the chairperson in the
21 meeting. I think I mentioned yesterday, as the
22 president, I was almost always also required to be
23 the chairperson of the meeting. Only, though, in
24 cases of a tie.

25 The executive board, once they make a vote, it

1 is either going to continue the grievance through
2 the process, or that the grievance, they don't
3 believe, has enough merit to stand up to continuing
4 through the process to go all the way to either a
5 Board of Adjustment or an arbitration hearing.

6 In a discipline case, if the executive board
7 votes not to proceed, the flight attendant still has
8 the right to continue on through the grievance
9 process, but they would need to release the union
10 and continue on, on their own.

11 In a contractual case, a flight attendant
12 wouldn't have the option to continue fighting a
13 contractual case without the union's representation.

14 And then if it goes all the way to a hearing of
15 either a Board of Adjustment or an arbitration.
16 Arbitration is the last step.

17 MR. PRYOR: Your Honor, we object.
18 Approach or state my objection?

19 THE COURT: You can state in code or
20 approach.

21 MR. PRYOR: Limine.

22 THE COURT: I will sustain that. If you
23 want to approach, you can.

24 MR. GREENFIELD: That is all right. I
25 would rather keep moving.

1 THE COURT: Thank you.

2 BY MR. GREENFIELD:

3 Q. Ms. Stone, thank you for the thorough
4 explanation of the process. I think everyone is
5 still awake during our lesson on union -- the finer
6 points of it.

7 I'm going to try to boil it down and be a bit
8 more concise. Please tell me if I'm wrong.

9 If a complaint is filed, a fact-finding meeting
10 occurs, is that correct?

11 A. If -- if Southwest Airlines, either through a
12 complaint or something that a member of Southwest
13 leadership witnessed, Southwest can, yes, initiate a
14 fact-finding meeting.

15 Q. Okay. And the union provides representation at
16 that fact-finding meeting?

17 A. Yes. If the flight attendant requests us.

18 Q. Okay.

19 A. We do sometimes have flight attendants that
20 don't call. We don't know -- there could be
21 meetings that we are not aware of.

22 Q. And the flight attendant has the ability to
23 select their own representation?

24 A. Not to select. They can make a request.

25 Q. Okay.

1 A. If there is somebody in particular -- and I
2 can't speak to how it is done now. During my
3 administration, we tried to accommodate those
4 requests as best we could.

5 But a lot of times, they required getting an
6 extension from Southwest based on schedules. So,
7 again, as best we could, but we could never
8 guarantee that someone would have a -- it was in our
9 policy. It was out of our control, because it had
10 to be an agreement by Southwest, too, if there was
11 an extension.

12 Q. And based on your personal knowledge, do you
13 know if Charlene Carter was afforded union
14 representation at her fact-finding meeting?

15 A. It is my understanding that she did have
16 representation at her meeting, yes.

17 Q. And if an individual is not happy with the --
18 okay. Let me take that back.

19 Does Southwest ever exert a punishment on a
20 flight attendant after a fact-finding meeting?

21 A. Yes. They can issue discipline following the
22 results of the fact-finding.

23 Q. And if, it is my understanding, that if the
24 flight attendant disagrees with that punishment,
25 they can then take it to the Step 2 hearing you were

1 discussing?

2 MR. PRYOR: Object, leading.

3 THE COURT: Sustained.

4 BY MR. GREENFIELD:

5 Q. What would be the process if a flight attendant
6 disagreed with the result of the fact-finding
7 meetings -- of the fact-finding meeting?

8 A. They would let the union office know that they
9 wanted to grieve it, that they wanted to file a
10 grievance.

11 And then the union office would formally file
12 that grievance on behalf of the flight attendant,
13 which requires a process of notifying Southwest
14 Airlines.

15 And then at that point, they would work to set
16 up and coordinate the second step in the grievance
17 process, which would be the Step 2 hearing with a
18 higher number of Southwest Airlines's management,
19 would have a chance to look at that case and could
20 choose to overturn the decision made at the base
21 level.

22 Q. Based on your personal knowledge, do you know
23 if Charlene Carter took place in a Step 2 on this
24 process?

25 A. Yes.

1 Q. And are you aware whether or not she was
2 provided union representation?

3 A. Yes.

4 Q. So even though you turned her in to the
5 company, the union still provided her representation
6 at the fact-finding meeting and the Step 2 process,
7 is that correct?

8 MR. PRYOR: Objection, asked and answered.
9 Object, leading.

10 THE COURT: Sustained.

11 BY MR. GREENFIELD:

12 Q. Are you aware if Ms. Carter received union
13 representation at the Step 2 meeting?

14 MR. PRYOR: Object, asked and answered.

15 THE COURT: I will allow that.

16 THE WITNESS: Yes, she did.

17 BY MR. GREENFIELD:

18 Q. I would like to turn our attention to union
19 communications.

20 Did you have a specific email address for
21 yourself as president of the union?

22 A. Yes.

23 Q. Okay. What was that?

24 A. You could utilize either president at
25 TWU556.org or astone@TWU556.org, which was the

1 standard for all of our board members, either the
2 title or their first initial and last name.

3 Q. And did you receive messages from membership,
4 email messages, on those two accounts.

5 A. Yes. Regularly.

6 Q. Was there a platform that membership was given
7 to know that those two accounts existed.

8 A. Just to clarify, it was the same account. You
9 could just utilize either email address. It all
10 went to the same place.

11 And, yes, that email address, I think, was --
12 is at the bottom -- my contact information in my
13 auto reply, it contained my email address, as well
14 as my union phone number.

15 And I think any publication or communication,
16 like a president's message that went out, also had
17 contact information in it as well.

18 Q. Did you ever receive emails from your
19 membership on your president's email accounts?

20 A. Yes.

21 Q. How frequently?

22 A. Daily. And that doesn't even really describe
23 sometimes the volume of email that I received on a
24 daily basis just to that account.

25 And I was also on numerous other distribution

1 groups, within our union, that were funneling to the
2 same inbox as well.

3 Q. Let's discuss that volume.

4 How many emails are we talking about per day
5 that you were receiving to those email addresses?

6 A. Sometimes over 100.

7 Q. Can you please describe your -- if -- if you
8 had any emotions tied to trying to respond to all of
9 those emails in any given day.

10 A. It was overwhelming. I did not have -- I did
11 not have an assistant-type role, who vetted,
12 fielded, or even organized my inbox. The only
13 person that did that was -- was me.

14 And at numerous points during my presidency,
15 particularly when we were in active contract
16 negotiations with Southwest Airlines, the volume of
17 emails that came in between me, being the president,
18 me, being an executive board member, and me, being
19 the lead negotiator, not even touching the grievance
20 staff that I was responsible for, and responsible
21 for assisting in the day-to-day operations of our
22 union.

23 It was overwhelming isn't even accurate for how
24 impossible some days it felt, to not let things fall
25 through the cracks, something that needed to be

1 responded to responding because it was just -- it
2 was too much.

3 Q. Outside of issues brought to you by membership,
4 what sort of issues were you dealing with as the
5 president of the union that would come to that sort
6 of email?

7 A. As my job as the president?

8 Q. Yeah. Let's kind of talk about it from a
9 priority sense.

10 Were there things that came across that you had
11 to prioritize during review of your emails in any
12 given day?

13 A. Yes. Particularly, I would say, anything that
14 was time sensitive, which could frequently be
15 communications from anyone in Southwest Airlines
16 leadership. Again, especially when we were in
17 contract negotiations.

18 There were times that, as the chair of the
19 executive board, there were times where the
20 executive board would be conducting a vote on a
21 matter via email, and I was responsible for keeping
22 up with the time frames, the vote counts,
23 participation.

24 So there was always -- I always had to
25 prioritize because there were things that were very

1 time sensitive, either through -- through our
2 policies and procedures, or through responding to
3 something that was currently going on.

4 And it is also the airline industry, and it is
5 a 365-day-a-year operation. Our members are out
6 working 365 days of the year. So it doesn't -- it
7 is not a job where it ends at 5.

8 And if there is an emergency that happens, that
9 is obviously going to take priority over anything
10 else going on.

11 Q. Now, when you are talking about emergencies, in
12 the airline industry, what sort of emergencies are
13 you talking about?

14 A. Aircraft incident.

15 Q. Okay.

16 A. And that could be a number of things.

17 It could be -- it could be an inadvertent --
18 anything from an inadvertent mass deployment to what
19 happened with Flight 1380 in April of 2018.

20 Q. I don't want to get too far into that, but can
21 you please tell the jury what you are referring to
22 with Flight 1380, because I myself am not precisely
23 sure.

24 A. As simple as possible, during flight at
25 altitude, there was a -- I don't know if I'm

1 using -- almost a rupture in the aircraft, caused a
2 rapid decompression, and a passenger sitting where
3 that hole occurred was sucked out of the aircraft.

4 The plane made an emergency landing and that
5 passenger ended up passing away.

6 Q. While we were on those email communications,
7 the complaint you filed with Southwest Airlines
8 against Charlene Carter, did you turn her in for
9 anything that she sent to your union president's
10 email?

11 MR. PRYOR: Object, leading.

12 MR. GREENFIELD: I asked if she did or
13 not.

14 THE COURT: I will allow this one.

15 THE WITNESS: No.

16 BY MR. GREENFIELD:

17 Q. All right. I would like to talk to you about
18 complaints in general now.

19 If a union member want to lodge a complaint
20 against a fellow union member, is there a way to do
21 that internally within the union?

22 A. Yes.

23 Q. Can you explain how that -- how that authority
24 exists?

25 A. Under our TWU international constitution, which

1 I have mentioned, international is the -- lack of a
2 better word, supreme authority of the union, and
3 then there is the local that has to operate
4 underneath the constitution and within that
5 framework.

6 The constitution outlines the internal
7 procedure, which is essentially, it is called filing
8 charges against a member.

9 It -- keeping it short, it outlines the
10 procedures that would take place for those to be
11 vetted to see if it warrants further action, which
12 could take place either via a trial, a union trial,
13 or by the vote of a -- or be dealt with through the
14 membership body at a membership meeting.

15 Q. Does that apply to board members as well,
16 executive board members?

17 A. Yes. There are procedures outlined in there
18 that refers specifically to charges being filed
19 against an executive board member. Either from a
20 member or from a member of the executive board.

21 Q. Okay.

22 A. It is similar, just a little bit different, if
23 they are a board member.

24 Q. And if a union member wanted to lodge a
25 complaint against a non-union member or an objector,

1 can they use that same process, that internal
2 process?

3 A. No.

4 Q. Why not?

5 A. Because it is member to member. If -- if -- if
6 that process occurs, and the flight attendant is
7 found guilty of violating whatever the alleged --
8 whatever they were accused of, then the constitution
9 outlines what could happen to that person, including
10 making them a member in bad standing.

11 And if you have already opted out of the union,
12 you are not a member anyway. So you can't have --
13 you can't have anything levied against you. A
14 member in bad standing, for instance, can't come to
15 a union meeting or can't vote.

16 But if you have opted out of the union, you
17 have already lost that right anyway. So there isn't
18 an additional punishment that could be handed out.

19 Q. As a non-union member, an objector, was there
20 any mechanism for you to bring any sort of internal
21 charges against Charlene Carter?

22 A. No.

23 Q. I would like to talk about your specific
24 complaint that you filed against Charlene Carter,
25 okay?

1 But before we talk about that, during opening
2 statements, which you were not here, we heard about
3 Ms. Carter's experience about some of the posts she
4 sent you.

5 And I'm sorry to ask you this, but do you
6 yourself have any life experiences tied to abortion?

7 A. No.

8 Q. You mentioned earlier today that you did work
9 representing at-risk youth or -- I don't want to put
10 words in your mouth. Can you remind the jury what
11 I'm referring to?

12 A. I worked at an outpatient child and adolescent
13 mental health clinic in east Texas. I held various
14 roles in that. But I provided skills training to
15 children and teenagers, and I taught parenting
16 skills in the home, to a variety of different --
17 different -- children that were experiencing a
18 variety of mental health reasons and diagnoses.

19 Q. Did any part of your work there or experience
20 there shape your views and experiences on the issue
21 of abortion?

22 A. Yes.

23 Q. Can you please explain that to the jury?

24 MR. PRYOR: Your Honor, we object.

25 THE COURT: I will allow it.

1 MR. PRYOR: Can I state the objection or
2 do you want me to do it later?

3 THE COURT: You can state your basis in
4 code or go for it at a sidebar.

5 MR. PRYOR: I just need it on the record.

6 THE COURT: Well, you need to state your
7 basis in code or do it at a sidebar.

8 MR. PRYOR: The relevance of Rule 404.

9 THE COURT: Understood. I will allow it.
10 You can answer the question.

11 THE WITNESS: Part of that job, I -- I had
12 always believed that the general idea of abortion
13 was wrong. That even in the case of an unwanted
14 pregnancy, a woman should look at all other options,
15 choose another option, like adoption if they weren't
16 in a position to keep that child.

17 And in the course of my almost five years
18 in that role, I worked with two different kiddos who
19 were the product of an incestuous rape.

20 One, it was --

21 MR. PRYOR: Your Honor, now I object to
22 narrative.

23 THE COURT: I will let you finish the
24 answer, but it can't be too long of an answer.

25 THE WITNESS: After working with both of

1 those children and their mothers, my views shifted.

2 Because while I -- I had never been in the
3 situation they were in, and it opened my eyes to
4 situations women could find themselves in.

5 And both of these women didn't have access
6 to resources and it was a family member in their
7 home, a relative that was raping them repeatedly
8 from a very young age.

9 And I did not believe that I or anyone
10 else have the right to tell those women or any other
11 woman in that situation that they had to carry that
12 baby.

13 BY MR. GREENFIELD:

14 Q. Thank you, Ms. Stone.

15 And I'm going to get off this topic as quickly
16 as I can.

17 There was discussions yesterday about your
18 personal beliefs, and I just want to make them
19 clear.

20 MR. GREENFIELD: Can you please pull up
21 Exhibit 66?

22 BY MR. GREENFIELD:

23 Q. I'm looking at the middle of the page.

24 MR. GREENFIELD: I would like to offer
25 this exhibit into evidence.

1 It's 67.

2 THE COURT: So I will ask if there is any
3 objection from Southwest or Carter to 67?

4 MR. McKEEBY: No objection.

5 MR. HILL: No.

6 BY MR. GREENFIELD

7 Q. I would like you to look at the middle of the
8 page. There's an email --

9 THE COURT: Hold on.

10 -- from Carter on 67.

11 MR. PRYOR: I'm sorry?

12 MR. HILL: No objection.

13 MR. PRYOR: No objection.

14 THE COURT: Okay. Sixty-seven is in. We
15 will publish.

16 (The referred-to document was admitted in
17 Evidence as Trial Exhibit 67.)

18 BY MR. GREENFIELD:

19 Q. I would like to direct you to the middle of the
20 page. There is an email from you to Suzanne
21 Stevenson. If you could please read quietly while I
22 read aloud.

23 Suzanne, part of my message was cut --

24 THE COURT: Can we have the witness --

25 MR. GREENFIELD: Oh, I apologize.

1 THE COURT: -- just -- since it is not a
2 hostile witness?

3 MR. GREENFIELD: Yes.

4 BY MR. GREENFIELD:

5 Q. Please, Ms. Stone?

6 THE COURT: And she could read aloud into
7 the record if you want. I prefer it to come from
8 you instead of you since it is not a hostile
9 witness.

10 MR. GREENFIELD: Yes, Your Honor.

11 THE WITNESS: Suzanne, part of my message
12 was cut. It should have said, quote, "I am
13 personally pro life, but I support others right to
14 pro choice and don't believe I have the right to
15 tell them what to do with their body. And to be
16 sent messages that reference me as a murderer
17 couldn't be further from the truth. My apologies as
18 I have edited and cut and pasted and agonized for
19 days. Again, thank you for your attention, Audrey."

20 Q. The messages -- and I'm talking about the first
21 three that you turned in to Ms. Carter to for
22 Southwest Airlines -- do you know what I'm referring
23 to?

24 A. Yes.

25 Q. Did you feel physically threatened by those --

1 any of those posts?

2 MR. PRYOR: Object, leading.

3 MR. GREENFIELD: I just asked --

4 THE COURT: I will allow it.

5 THE WITNESS: Yes.

6 BY MR. GREENFIELD:

7 Q. And I believe the line that we have seen
8 repeatedly is that "I can't wait until you go back
9 on line." Was there --

10 MR. GREENFIELD: I apologize, your Honor.

11 I apologize, counsel.

12 BY MR. GREENFIELD:

13 Q. What part of those messages, if any, made you
14 feel physically threatened?

15 MR. PRYOR: Object, leading.

16 THE COURT: I will allow that.

17 THE WITNESS: I took her comment that she
18 couldn't wait to see me back on line as a threat
19 because of other conversations that had just
20 recently been going on about what the flight
21 attendants -- specifically, the flight attendants
22 that had voted against the tentative agreement --
23 what they were going to do to me when I came back on
24 line. Comments that I would need to travel with
25 body guards. And comments about them fighting over

1 who was going to get to me first. Including with
2 depictions of weapons.

3 So at that point in my presidency, I was
4 terrified. I had people working in the grievance
5 team who were afraid to come to work. Because some
6 of the social media posts had been specific about me
7 and some were general to the union and contained
8 weapons.

9 Just prior to that, I had had a
10 negotiating team member, as we were preparing to go
11 on the road to roll out the second negotiated
12 tentative agreement, to roll it out for ratification
13 vote, typically members of the negotiating team
14 travel to all of the domiciles to have an
15 opportunity for the members to come in and sit
16 face-to-face and answer -- have a negotiating team
17 go over changes in the contract. I had a
18 negotiating team member tell me that he didn't want
19 to go to the ratification meetings because he was
20 afraid of being hit by --

21 MR. PRYOR: Object to hearsay and
22 narrative.

23 THE COURT: Yeah, pretense, I will allow
24 it.

25 THE WITNESS: Because he was afraid of

1 being hit by a stray bullet meant for me.

2 We had also already arranged to have
3 police and/or security guards present at all of
4 those ratification meetings.

5 And we had already instituted a policy to
6 have signs placed at all of the places that those
7 were held that you could not bring weapons in.
8 Because we had had flight attendants reach out and
9 express concern about attending a membership
10 meeting, as a union member, because of the violent
11 posts and comments that were circulating.

12 So yes, I took that as a threat.

13 BY MR. GREENFIELD:

14 Q. Did you ever, was there ever an instance -- let
15 me walk that back a little bit.

16 You mentioned an issue with targeting and,
17 bullets, et cetera.

18 A. I'm sorry, can you repeat that?

19 Q. Yes, ma'am.

20 You mentioned an instance with bullets,
21 targeting, et cetera.

22 Were there any instances where firearms were
23 brought to union member meetings?

24 A. Yes.

25 Q. Can you please talk about that?

1 MR. PRYOR: Your Honor, relevance.

2 THE COURT: I will allow it.

3 THE WITNESS: We, at times, did
4 simultaneous meetings. Because ten days of meetings
5 was two full business weeks. So calendar reasons,
6 we sometimes split up. I had two vice presidents,
7 recording secretary, other officers and board
8 members that would fill in as recording secretary.

9 So during one of the time periods that we
10 were running membership meetings in two different
11 bases at the same time -- so I'm chairing a
12 membership meeting on the East Coast, one of my vice
13 presidents is chairing a membership meeting on the
14 West Coast -- there was a meeting that I was not
15 chairing, where a member came.

16 And it was discovered at some point during
17 the meeting that he had a gun, a gun tucked in his
18 pants.

19 It was after that, that we started posting
20 signs on the doors that, regardless of any state
21 laws, weapons were not allowed at a membership
22 meeting.

23 We had also had -- where we had to seek
24 assistance from Southwest Airlines to take
25 precaution for a membership meeting that was being

1 held in Houston on an airport property because of a
2 flight attendant that was in the grievance process,
3 a threatening voicemail she had left on one of the
4 staff members -- on what she -- she was going to
5 show up to the meeting and --

6 MR. PRYOR: Okay. Once again, your Honor,
7 narrative and relevance.

8 THE COURT: I will allow a narrative in
9 this format.

10 You can answer.

11 THE WITNESS: Her intent to physically
12 cause me harm at the union meeting because of the
13 way the executive board had voted on her grievance,
14 my recording secretary, who was going to be
15 traveling with me to that meeting, said --
16 especially given the climate we were in -- we needed
17 to take this seriously --

18 MR. PRYOR: Objection, hearsay.

19 THE COURT: You have got to wait to let
20 her finish. You can move to strike if I grant your
21 objection, but you have to let her finish her
22 answer.

23 THE WITNESS: And because the meeting was
24 being held on airport property right down the hall
25 from the Southwest Airlines flight attendant lounge,

1 I reached out to Southwest Airlines to let them know
2 about the threat, and worked with the Houston
3 Southwest Airlines base manager at the time, and he
4 worked with the local airport authorities to ensure
5 that that individual did not even gain access to the
6 restricted area.

7 BY MR. GREENFIELD:

8 Q. Do you recall any of the -- what you describe
9 as threats to you personally, do you recall any of
10 the flight attendants who you believe threatened you
11 personally?

12 MR. PRYOR: Object, relevance. Object
13 prejudice. Doesn't relate to anything Ms. Carter
14 did.

15 THE COURT: I will allow it. You can
16 answer.

17 THE WITNESS: Yes.

18 BY MR. GREENFIELD:

19 Q. Can you please provide those names?

20 A. Robert Picket was one of them. Jeanna Jackson
21 was one of them. Polly Momovich (sp). And the one
22 I was just speaking of in Houston, I believe her
23 name was Rebecca, but I don't recall the last name.
24 I'm sorry.

25 But that is what I can recall right now.

1 Q. Thank you.

2 Ms. Carter's counsel talked to you about "an
3 exhibit where you used the term see you back on
4 line." Do you see a difference in the way that you
5 used it and the way that Ms. Carter used it?

6 MR. PRYOR: Object, leading.

7 THE COURT: I will allow this.

8 THE WITNESS: Yes. There -- at least the
9 full last year of -- or probably sometime during the
10 last year of my presidency, I made it very clear to
11 my team members and to anyone in the membership who
12 asked me, that I would not be seeking reelection
13 because of everything I had been through. No job
14 was worth it.

15 And so then the narrative amongst a number
16 of flight attendants who had been very open in not
17 supporting me, saying that I was never going to go
18 back to being a flight attendant, that I didn't care
19 about them, because I was never going to go back to
20 do the job, because I had a job waiting for me
21 either at TW International or at Southwest
22 management.

23 So there had been a lot of comments about
24 me not going back on line. So I ended my last
25 presidency message with what I had said all along, I

1 am a flight attendant and the only job I have lined
2 up to go back to after I complete this term is my
3 flight attendant job.

4 BY MR. GREENFIELD:

5 Q. And I would like to talk about a little bit
6 about that timing.

7 What was the separation in time of when you
8 made your complaint about Ms. Carter and when you
9 would be going back on line as just a rank and file
10 flight attendant?

11 A. I had, I believe, around 14 months left on my
12 term. The complaint was made early in 2017 and my
13 term ran through April 30th of 2018.

14 Q. Thank you.

15 Do you have any relationship with Charlene
16 Carter?

17 A. No.

18 Q. Had you ever spoken with Charlene Carter?

19 A. Not directly. She attended one membership
20 meeting, to my recollection, a couple of weeks after
21 I became president. She was one of the members in
22 attendance.

23 To my knowledge, that was the first time I had
24 ever even been -- that I was aware that I have been
25 in a room with her.

1 Q. Do you have any recollection of any of the
2 messages you received from Ms. Carter asking you
3 about your views about abortion?

4 A. No.

5 Q. And the three posts that led to the complaint
6 you filed against Ms. Carter, do any of those posts
7 have any requests about Ms. Carter wanting to have a
8 conversation about your views on abortion?

9 MR. PRYOR: Object, leading.

10 THE COURT: I will allow it.

11 THE WITNESS: No.

12 BY MR. GREENFIELD:

13 Q. Did you interpret anything within those posts
14 as Ms. Carter wanting to have a conversation with
15 you about abortion?

16 A. No. Nothing that she had sent me had ever
17 appeared to be encouraging to have a conversation or
18 a dialogue.

19 Q. Ms. Stone, did the local union ever donate to
20 Planned Parenthood?

21 A. No.

22 MR. PRYOR: I'm sorry, I didn't hear the
23 question.

24 MR. GREENFIELD: I asked if the local
25 union ever donated to Planned Parenthood.

1 MR. PRYOR: Has the local union?

2 MR. GREENFIELD: Ever donated to Planned
3 Parenthood.

4 MR. PRYOR: Okay.

5 BY MR. GREENFIELD:

6 Q. The answer to that was no?

7 A. Correct. No.

8 MR. GREENFIELD: If I may have a moment to
9 just discuss with my co-counsel. I will be right
10 back.

11 THE COURT: You may.

12 BY MR. GREENFIELD:

13 Q. Ms. Stone, there has been lots of discussions
14 about communications you received from Brian
15 Talburt.

16 Do you remember those?

17 A. Yes.

18 Q. Was Mr. Talburt ever an executive board member?

19 A. No.

20 Q. Was Mr. Talburt ever an agent of the union?

21 MR. PRYOR: Object, calls for a legal
22 conclusion.

23 THE COURT: I will allow her to answer if
24 she has personal knowledge.

25

1 BY MR. GREENFIELD:

2 Q. Did you believe Mr. Talburt to ever be an agent
3 of the union?

4 A. No.

5 Q. There was discussions about Mr. Talburt on a
6 CAN team, I believe.

7 A. Yes.

8 Q. Can you please remind the jury what the CAN
9 was?

10 A. Usually during any rollout of a tentative
11 agreement on the contract, after the negotiations,
12 there is more people needed than just the
13 negotiating team and the executive board to make
14 sure we are there and available to answer any
15 questions our members have about such an important
16 vote.

17 Through, I think, at least all of the contract
18 rollouts in my time at Southwest Airlines, the union
19 will ask for either, like, people that have shown
20 interest, people that have emailed the negotiating
21 team and say, Hey, what can I do to help?

22 And bring them in to help them help us make
23 sure that flight attendants understand what they are
24 voting on, understand what is going on in
25 negotiations.

1 Sometimes it is put in place before you even
2 reach the agreement, because there is lot of
3 activity with the negotiations of the contract
4 actions at work. That was one of those type of
5 committees.

6 Flight attendants that had expressed interest
7 or volunteered to assist the negotiating team.
8 We -- one -- one of their duties sometimes was
9 following a negotiating session with Southwest
10 Airlines. The day following, all the domiciles
11 would have someone from the contract action network
12 there.

13 A lot of times, the negotiating team would
14 split up to go with them, it would be something we
15 would publicize in advance, that they would be in
16 the lounge to help answer any questions that you may
17 have.

18 Sometimes it was simply making people aware
19 where to find updates on our website of the chart of
20 where we were in the negotiating process.

21 So he was a -- he was a member that assisted
22 with that project.

23 Q. And did any actions Mr. Talburt took have the
24 ability to bind the union in any sort of
25 negotiation?

1 A. No.

2 MR. PRYOR: Object, leading. Object,
3 calls for a legal conclusion.

4 THE COURT: I will allow her to answer if
5 she has personal knowledge.

6 BY MR. GREENFIELD:

7 Q. Do you have personal knowledge of that,
8 Ms. Stone?

9 A. Yes. And the answer is no.

10 Q. It was discussed earlier that, at some point,
11 you represented Mr. Talburt or played a role in a
12 fact-finding or Step 2 -- regarding Mr. Talburt.

13 And I don't want to go further because I would just
14 like to you clarify, because I don't remember myself
15 exactly your role in that?

16 A. As I mentioned earlier, sometimes flight
17 attendants would make special requests of who they
18 wanted involved in their representation.
19 Mr. Talburt asked, I think his grievance specialist,
20 if I could assist for his Step 2 hearing, the second
21 step in this appeal process.

22 And as I mentioned, normally the grievance
23 specialist, and then our grievance chairperson,
24 would normally attend the meeting. It was never
25 just the grievance specialist.

1 And so there were times, including
2 Mr. Talburt's, where, upon a flight attendant's
3 request, I attended in lieu of the grievance
4 chairperson. I accompanied the specialist.

5 Q. Were there any other instances where you were
6 requested by flight attendants to engage in that
7 process? If so, tell us if you remember any
8 specifics.

9 A. Yes. Towards the very end of my term, a
10 Dallas-based flight attendant, who had been in
11 initial training with me in 2004 -- so 14 years
12 later -- we had not seen each other, we hadn't
13 actually spoken -- but he was called in for a
14 fact-finding meeting in the Dallas base.

15 And when he reached out to the union, he asked
16 them if he could speak to me, because he wanted me
17 to be involved in his -- in his process.

18 I did not attend his fact-finding meeting. He
19 had representation for that. But when Southwest
20 Airlines issued discipline, I attended his Step 2
21 hearing.

22 Q. Do you remember any specific time frame around
23 when you had been asked to represent Mr. Talburt in
24 that process?

25 A. I think it was -- I think it was early 2015.

1 Q. Okay.

2 A. I'm not 100 percent certain.

3 Q. I understand.

4 A. I'm sorry, it is just a lot of history that
5 I --

6 Q. Certainly, Ms. Stone.

7 MR. GREENFIELD: Please pull up
8 Exhibit 26.

9 BY MR. GREENFIELD:

10 Q. Ms. Stone, this is Exhibit 26. It is one of
11 the emails that had been discussed from Brian
12 Talburt to you.

13 Is that -- do you recognize this document?

14 A. Yes.

15 Q. All right.

16 What date was this sent to you?

17 A. October 13th, 2014.

18 Q. Okay. This is Exhibit 27. Another email.

19 Can you please tell us the date on that?

20 A. October 13, 2014.

21 Q. This is another email from Brian Talburt. Can
22 you tell us the email date on that?

23 A. October 13th, 2014.

24 Q. The same question, Ms. Stone.

25 A. October 13th, 2014.

1 Q. Do you have any recollection if Mr. Talburt was
2 sending you these emails in relationship to his Step
3 2 or his grievance process?

4 MR. PRYOR: Objection, leading.

5 THE COURT: I will allow it.

6 THE WITNESS: Yes, and -- yes. Because he
7 had received discipline for using a phrase that
8 was -- I believe it was the public -- it had
9 something to do with the public execution phrase
10 that was referenced in one of those emails.

11 BY MR. GREENFIELD:

12 Q. Okay. And at this point, you were -- you were
13 part of the representation team in the grievance
14 process?

15 A. Yes.

16 Q. Would it be appropriate for a member of the
17 grievance team to take information provided to them
18 as part of the grievance and turn that information
19 over to Southwest Airlines?

20 A. Would you repeat the question? I just want to
21 make sure I'm understanding.

22 Q. Yes. If information was given to you as part
23 of a defense on the grievance team, would that be
24 appropriate basis for you to turn that employee in
25 for any sort of violation of company policy?

1 MR. PRYOR: Object, leading.

2 THE COURT: I will allow it.

3 THE WITNESS: There were times, when in
4 the defense of someone, in order to accurately
5 represent that flight attendant, especially when it
6 was a complaint or a situation that involved two
7 different flight attendants fighting or differing
8 opinions, there were numerous times where, in the
9 grievance process, something would be brought
10 forward that was needed in the defense of our
11 current client, but could open the door for
12 Southwest to then have new knowledge and information
13 to investigate someone else.

14 BY MR. GREENFIELD:

15 Q. Do you have any understanding, based on this
16 time frame that we are looking at, why Mr. Talburt
17 would have sent you these emails?

18 A. Because he was in the grievance process
19 following discipline he received.

20 Q. Okay.

21 MR. GREENFIELD: One moment.

22 Do we have Exhibit 15-A, the physical
23 copy, available?

24 I just wanted to make sure I had the right
25 thing, your Honor.

1 BY MR. GREENFIELD:

2 Q. Ms. Carter's counsel asked you several
3 questions about that stack of documents right there.

4 Do you remember those?

5 A. Yes.

6 Q. Is it fair to say, generally, you said that the
7 contents of the writings in those posts, you believe
8 them to be protected activity, correct?

9 A. Yes. The ones that I could read.

10 Q. Did you turn in Ms. Carter at any point after
11 receiving any of those messages?

12 A. Prior to February 2017, no.

13 MR. GREENFIELD: Thank you.

14 I pass the witness, your Honor.

15 THE COURT: All right. Mr. McKeeby.

16 CROSS-EXAMINATION

17 BY MR. McKEEBY:

18 Q. Hello, Ms. Stone.

19 A. Hello.

20 Q. Yesterday you indicated you were represented by
21 counsel. Who did you mean?

22 A. Mr. Joe Gillespi.

23 Q. And is he here today in the courtroom?

24 A. Yes, sir, he is.

25 Q. You understand I represent Southwest Airlines,

1 correct?

2 A. Yes, sir.

3 MR. McKEEBY: Can we pull Exhibit 66?

4 And this has been admitted.

5 BY MR. McKEEBY:

6 Q. This is your complaint?

7 A. Yes -- not in its entirety. There is, I
8 believe, a second page.

9 Q. Okay. The page where you -- you mean the page
10 where you clarify the -- your political views on
11 abortion, is that what you are talking about?

12 A. That one, but there is -- the document that I'm
13 looking at doesn't finish the last sentence, so I
14 still think there is a second page to this.

15 Q. Okay. There -- you can go to the next page,
16 662. Is that what you mean?

17 A. Yes.

18 Q. Okay. So back to 661, please.

19 Can you read for the jury the first sentence of
20 the second paragraph that begins with "The
21 messages."

22 A. "The messages contain two graphic videos of an
23 alleged aborted fetus and make references to murder
24 as well as political and religious comments."

25 The first two are the actual messages she sent

1 me and the bottom two are the links that they came
2 from.

3 MR. McKEEBY: Okay. If you could pull
4 66.3.

5 BY MR. McKEEBY:

6 Q. That is one of the two messages you reference,
7 correct?

8 A. Yes.

9 Q. And that is part -- or at least that is a still
10 shot of the video that -- a snippet of which was
11 shown to you yesterday, correct?

12 A. Yes.

13 Q. And -- by the way, who is this woman, a
14 woman -- do you know who Samina Shah is?

15 A. No, sir.

16 Q. Can you read the text below her name?

17 A. Aborted baby alive, even after the abortion.

18 This is the reason abortion is murder and -- I don't
19 know what that last word it.

20 Q. It cuts off. Okay.

21 Did you understand that Ms. Carter authored
22 that or did you know one way or the other?

23 A. I don't -- I don't know.

24 Q. Okay. But that is part of what she sent you?

25 A. Yes.

1 MR. McKEEBY: And if we can go to 66.5.

2 BY MR. McKEEBY:

3 Q. Is this a still shot of the second video?

4 A. Yes, sir.

5 Q. And what is the reference below about
6 Democrats? Can you read that?

7 A. Hashtag Democrats, this is what you support,
8 question mark, if it is dot, dot, dot.

9 Q. Did --

10 MR. McKEEBY: You can take it down.

11 BY MR. McKEEBY:

12 Q. Did you watch this video as well?

13 A. I did eventually watch it, yes.

14 Q. When did you watch it?

15 A. I think it was a day or two after. I mean it
16 was the next day after I had seen part of the first
17 one.

18 MR. McKEEBY: You can take it down.

19 BY MR. McKEEBY:

20 Q. So a day or two after you watched part of the
21 first one. Where were you when you watched the
22 second one?

23 A. I was in -- I was in a hotel room, the room I
24 was staying in at the conference center out of
25 Baltimore-Washington International Airport.

1 Q. Okay. The first video you watched at the
2 airport, is that correct?

3 A. Part of it.

4 Q. Part of it.

5 Was the amount that you saw during the trial
6 yesterday, was that representative of the amount of
7 time that you viewed --

8 A. Roughly. I know there was a lot of how many
9 seconds. I don't -- and I don't recall. And I --

10 Q. You said that.

11 A. Yes. I ---

12 Q. Okay.

13 A. It was enough to see the images and understand
14 what they were, and to have to go pull myself
15 together.

16 Q. I will bet Mr. Pryor was going to ask you this
17 question, but I will ask you first: Why did you go
18 back and watch the second video?

19 A. Because I felt like I needed to see exactly
20 what she sent me.

21 Q. Okay. So you talked about --

22 MR. PRYOR: I'm sorry. Was the witness
23 finished with her answer?

24 BY MR. McKEEBY:

25 Q. I understand the witness to be finished. Do

1 you have more to say?

2 A. No, sir.

3 Q. Thank you.

4 You talked about earlier today, I think, of a
5 telephone conversation with representatives of
6 Southwest Airlines after you made the complaint
7 about Ms. Carter, correct?

8 A. Yes.

9 Q. And who was on that call?

10 A. Ed Schneider, who was the Denver-based manager,
11 which is where Ms. Carter was based. I believe
12 Suzanne Stephenson, the Las Vegas-based manager.
13 Denise Guttierrez, from employee relations at
14 Southwest Airlines. And at some point, after they
15 notified me that I could have a union rep present,
16 and if I wanted one, I -- Brett Nevarez joined me on
17 the call.

18 Q. Okay. How long was the call?

19 A. It felt like forever. It was -- maybe 15ish
20 minutes; I don't, I don't ---

21 Q. Now, did you have an understanding that
22 Mr. Schneider was the base manager for Denver?

23 A. Yes.

24 Q. What was your understanding of why he was on
25 the call?

1 A. Because that is the base where Ms. Carter was
2 at the time.

3 Q. Okay.

4 A. So he was the highest leadership in the Denver
5 base, her base.

6 Q. And you reported it to Las Vegas?

7 A. Yes. I reported it to my base manager.

8 Q. That was Miss Stevenson?

9 A. Yes.

10 Q. Prior to that telephone call, had you had any
11 interactions with Mr. Schneider before?

12 A. I had met him. I had met, at points or
13 another, most of in-flight managers, a lot of
14 supervisors. I hadn't been based in Denver. I
15 never directly worked with -- I can't recall a
16 situation where I directly worked with him, but I
17 had met him through the nature of my position.

18 Q. What about Ms. Gutierrez, had you met her
19 before?

20 A. I had not -- no, I had never met her. I mean,
21 I think that may have been the first time I had ever
22 spoken to her on the phone.

23 Q. Who did most of the talking during that phone
24 call?

25 A. Most of it was Mrs. Gutierrez asking me

1 questions.

2 Q. Okay. Did she ask you if you had ever spoken
3 to Ms. Carter about abortion?

4 A. Yes.

5 Q. What did you say in response?

6 A. I told her I had not.

7 Q. Did Mr. Guttierrez ask you what you wanted
8 Southwest Airlines to do about it?

9 A. She asked something in that vein or what my
10 purpose of reporting this was. And I think I -- to
11 the best of my recollection, listed that I wanted it
12 to stop. That I -- I -- I didn't want this to
13 happen again.

14 Q. Were you concerned that -- I'm sorry. I didn't
15 mean to cut you off, if I did.

16 A. I don't remember if I said it at that point.
17 One of -- one of my biggest concerns was that those
18 messages were going to be sent to another flight
19 attendant that was at that Working Women's Committee
20 meeting, and also attended the march.

21 Q. Did you ask Ms. Guttierrez or tell Ms. Guttierrez
22 you thought Ms. Carter could be fired for what she
23 did?

24 MR. PRYOR: Object, leading.

25 THE COURT: I will allow it.

1 THE WITNESS: No. I did not.

2 BY MR. MCKEEBY:

3 Q. Was that your desire?

4 A. No. It was to make it stop and to not have her
5 harass anybody else in the ugly way I had been
6 harassed.

7 Q. When you pulled up the video at the airport,
8 was that -- what device were you using? Was that a
9 laptop or something else?

10 A. My personal -- it was my cell phone.

11 Q. Your cell phone.

12 And was there any audio associated with the
13 video at the airport?

14 A. To my recollection, yes.

15 Q. What do you recall hearing?

16 A. The comment that you had me read underneath one
17 of them about -- that said something about the baby
18 still being alive. There was -- my recollection,
19 there was somebody in the background making comments
20 along those lines, Look, it is still moving.

21 Q. Thank you.

22 You told Mr. Greenfield about your personal
23 beliefs regarding abortion a few minutes ago,
24 correct?

25 A. Yes.

1 Q. Had you ever discussed those views with
2 Ms. Carter?

3 A. No.

4 Q. Did she ever ask you what your views on
5 abortion were prior to sending those videos?

6 A. No.

7 Q. Did she ever discuss Planned Parenthood with
8 you?

9 A. No.

10 Q. Did she ever discuss the Women's March in
11 Washington with you prior to sending those videos?

12 A. No.

13 Q. I will change the subject and we can talk about
14 pink hats.

15 MR. McKEEBY: Can you pull up Exhibit 47,
16 please?

17 MR. McKEEBY: Southwest would move to
18 admit 47.

19 THE COURT: Forty-seven. Any objection
20 from union or Carter to 47?

21 MR. PRYOR: Just one second.

22 THE COURT: You bet.

23 MR. PRYOR: No objection.

24 THE COURT: Mr. Greenfield?

25 MR. GREENFIELD: No, your Honor.

1 THE COURT: Okay. Forty-seven is in. We
2 will publish.

3 (The referred-to document was admitted in
4 Evidence as Trial Exhibit 47.)

5 BY MR. McKEEBY:

6 Q. Can you describe to the jury what this is?

7 A. It is one of the messages that were sent in the
8 batch that Ms. Carter sent me along with the two
9 videos that we discussed.

10 Q. And did you send this at some point to
11 Southwest as well?

12 A. Yes.

13 Q. And did you understand that these addresses are
14 intended to depict female genitalia?

15 A. Yes.

16 Q. Did you wear a hat like that when you marched
17 in Washington?

18 A. No.

19 Q. Do you know of any Southwest Airlines's
20 employee/flight attendant who marched with you in
21 Washington wore a hat like that or a headdress? I'm
22 not sure what it is.

23 A. No, not the ones -- not anyone I saw.

24 Q. And let me clarify.

25 How about anybody at all at the march, did you

1 see anyone wearing a hat like this?

2 A. No.

3 Q. Did you wear a hat at the march?

4 A. Yes.

5 Q. Did you -- where did you get that hat?

6 A. Some of the ladies had knitted -- knitted hats.

7 It was January in DC. It was cold. And they had

8 knitted and distributed them to all of the ladies

9 who volunteered to stay for the march.

10 Q. Okay. Did you -- when you say "the ladies,"

11 were those fellow flight attendants?

12 A. Yes. People that attended the Working Women's

13 Committee meeting earlier that week.

14 MR. McKEEBY: Can we pull Exhibit 56,

15 which I think is in evidence.

16 THE COURT: Fifty-six is in. You can

17 publish.

18 MR. McKEEBY: Publish 56.

19 And can we go to 56.8?

20 BY MR. McKEEBY:

21 Q. Do you recognize yourself in that picture?

22 A. Yes.

23 Q. Where are you?

24 A. I'm on the far right.

25 Q. And are those the hats that you were talking

1 about?

2 A. Yes.

3 Q. This is what you wore in Washington?

4 A. Yes.

5 Q. Are these all fellow flight attendants depicted
6 here?

7 A. Yes.

8 MR. McKEEBY: Go to Exhibit 94. I will
9 move to admit 94.

10 THE COURT: Any objection to 94?

11 MR. PRYOR: No objection.

12 MR. GREENFIELD: If I can have one moment,
13 your Honor.

14 THE COURT: You may.

15 MR. GREENFIELD: No objection from the
16 Union.

17 THE COURT: All right. Ninety-four is in.
18 You can publish.

19 (The referred-to document was admitted in
20 Evidence as Trial Exhibit 94.)

21 BY MR. McKEEBY:

22 Q. Ms. Stone, what is this document?

23 A. During the initial phone call with Southwest
24 Airlines that we spoke about earlier, I was asked if
25 Ms. Carter had ever sent me any other communications

1 via on Facebook and I answered yes. And I was asked
2 to send -- send them all to Southwest Airlines.

3 And I think this was one of them, to my
4 recollection. There were so many, I think that I
5 had to send them in batches.

6 Q. So this is another batch of those historical
7 emails that Southwest asked you to provide?

8 A. Facebook messages.

9 Q. I'm sorry. Facebook messages.

10 A. Yes.

11 Q. I don't think counsel went over these with you.
12 And I'm not going to ask you if they are protected,
13 or union activity. I just kind of want to know what
14 they are.

15 So, I mean, if you are okay with that, I'm
16 going to go through a couple of these.

17 94.2. The blue mark is by something
18 referencing carpet bombing again.

19 Can you describe to the jury what that is
20 about? If you know.

21 A. I'm not certain exactly what she meant by
22 "carpet bombing."

23 I know that the -- this thread was implying
24 that if we didn't like how election results turned
25 out, that we would just somehow get rid of that --

1 you know, get rid of that person, overturn the
2 election.

3 Q. But this is an email that Ms. Carter --
4 sorry -- a Facebook message that Ms. Carter sent to
5 you?

6 A. Yes.

7 Q. And so the next page, we have an appearance by
8 Albert Einstein. Do you know what this post is
9 about or message is about?

10 A. She says that it is how she feels about me and
11 the rest of the board, pure evil.

12 Q. Did you understand at the time or do you
13 understand now, the relevance to the, I guess, quote
14 from Albert Einstein?

15 A. I -- his quote references evil.

16 Q. Okay.

17 A. But outside of that, I don't.

18 Q. The next page, 94.4. It looks like this
19 involves something about the residence of the
20 representative in Denver.

21 Do you have a sense of what that was about?

22 A. Yes. A discussion yesterday about the elected
23 Dallas domicile executive board member. It was
24 regarding the actual address of where domicile
25 executive board members reside.

1 Q. Why was that significant?

2 A. Because the Dallas domicile executive board
3 member that was removed -- similar to the way the
4 union had removed another domicile executive board
5 member in the past, who did not actually live, not
6 only in the town, but in the state, where they
7 represented.

8 She was trying -- I'm assuming to say that the
9 Denver rep -- I don't -- I actually -- I don't
10 understand because the Denver rep does not live in
11 Dallas, that is true. The Denver rep lives in
12 Denver.

13 The -- one of the other former -- Andrea, I'm
14 assuming she refers to the former Dallas domicile
15 executive board member, Andrea Garnett, whose
16 physical address isn't Dallas proper. It is west
17 of -- of Dallas, as I'm sure many people's addresses
18 in here are.

19 It goes on to talk about me, and that is just
20 false information. I lived in Baltimore when I was
21 the Baltimore domicile executive board member.

22 Q. If you go to 94.7. There is a reference in the
23 second message about, Hoping that people file
24 charges against you.

25 Do you recall that message?

1 A. Yes.

2 Q. What is it about?

3 A. I believe filing charges against -- against the
4 board in a similar way that Mr. Greenfield had me
5 walk through if there is a process within the union
6 that a member could file charges against another
7 member.

8 Q. Now, there is more in here, but I will let the
9 jury decide if they want to wade through this.

10 Did you report any of these communications from
11 Ms. Carter to Southwest Airlines?

12 A. Prior to them requesting them as --

13 Q. Yes. At the time that they were sent, did you
14 complain to Southwest Airlines about any of these
15 messages?

16 A. No. I did not.

17 Q. Well, why not?

18 A. There were a lot of people unhappy with things.
19 And a lot of flight attendants that sent me, even
20 through official union channels, angry, ugly
21 comments.

22 And I knew that part of my job in being in a
23 leadership position, especially being the top leader
24 in the hierarchy of our local union, that their --
25 that was part of the job, was dealing with angry and

1 unhappy people. And that there were always going to
2 be angry and unhappy people in the membership for a
3 variety of reasons. And that I needed to work as
4 best I could to just work it out as much as I could
5 and focus on doing the business of the union and
6 working.

7 Q. I'm sorry. And working?

8 A. Yes.

9 Q. Can you tell the jury a bit about the Women's
10 Committee, what is that?

11 A. It was actually established by
12 TW International, with the exception of -- at the
13 time, our local -- most of the local unions within
14 TW International -- TW stands for Transport Workers
15 Union -- most of those unions are incredibly male
16 dominated.

17 Airline mechanics, train drivers, bus
18 operators. We were the only one whose demographic
19 was the opposite, primarily women.

20 So TW International had formed a committee to
21 try to help the members in the various TW locals
22 focus on issues that were specifically affecting
23 women because I think they felt like they didn't
24 have a lot of that representation in their
25 workplace.

1 So it started through -- through them. And
2 then was formed as -- at some point along the way, a
3 Local 556 committee.

4 Q. Was that one of the joint committees that we
5 heard some testimony about earlier?

6 A. No. It was not a joint committee.

7 Q. It was an exclusive Local 556 committee?

8 A. Yes.

9 Q. And was there a committee meeting, a Women's
10 Committee meeting, in Washington in January of 2017?

11 A. Yes, there was.

12 Q. What was the purpose of that meeting?

13 A. The meeting was held at TW International
14 headquarters, in conjunction with the then
15 TW International Working Women's Committee
16 chairperson, who was also a TW 556 member and
17 Southwest flight attendant.

18 She was working full time for the international
19 union. I'm sorry, she has since passed away.

20 So we went and worked with our local
21 chairperson to coordinate that meeting in DC to
22 bring in a number of speakers to talk to our flight
23 attendants who were in attendance.

24 One of our speakers was Liz Shuler, who is now
25 the president of AFL-CIO.

1 Working America was one of the groups that we
2 spoke with.

3 And it was also to try to build up our local
4 committee. And prior to that, we had not had people
5 show interest.

6 Every three years, as part of the election
7 cycle, we take letters of interest for the committee
8 chairperson's position, and there was one year that
9 nobody even submitted for the chairperson position
10 of our local committee. So I ended up taking it on,
11 amongst my other duties, because nobody was
12 interested.

13 And we had had -- the chairperson at that time
14 had a number of flight attendants reach out asking
15 about the committee. There seemed to be a general
16 interest.

17 So it was to kind of help really build that and
18 see what the committee could be doing on behalf of
19 our members.

20 Q. Was there a particular day of the week that
21 that committee meeting was held?

22 A. I believe that committee meeting -- I'm not a
23 hundred percent -- I believe it was on Thursday.

24 Q. And when was the Women's March?

25 A. Saturday.

1 Q. And what was the connection between the Women's
2 Committee meeting on perhaps the Thursday, and the
3 Women's March on Saturday?

4 A. Initially, I guess some of the -- some of the
5 flight attendants had reached out to the chairperson
6 of the committee showing interest in going to the
7 Women's March and asking if our union had talked
8 about that.

9 She came to me and asked me -- asked me about
10 it. And I said that I didn't believe going to the
11 march was official union business. That if she
12 wanted to work with TW International, and actually
13 host a meeting and conduct -- you know, have an
14 agenda and conduct union business, and if people in
15 attendance chose to stay over and volunteer their
16 time, they could do that.

17 She was working on some of the volunteer
18 opportunities for the flight attendants to do while
19 we were in DC. But that is ultimately what
20 happened.

21 Q. Okay. Did you attend the entire march?

22 A. No, I did not.

23 Q. Did you see Ms. Carter when you were in
24 Washington?

25 A. No.

1 Q. Did you later have an understanding that she
2 was in Washington?

3 A. I --

4 MR. PRYOR: Object, limine issue.

5 MR. McKEEBY: This is a yes or no. She
6 doesn't sound like she knows.

7 THE COURT: Yeah. You can answer yes or
8 no.

9 THE WITNESS: I don't remember.

10 BY MR. McKEEBY:

11 Q. Ms. Stone, we had not met face to face before
12 this trial, had we?

13 A. No.

14 Q. We had a Zoom call, I think it was last week,
15 prior to the trial, did we not?

16 A. Yes.

17 Q. And your attorney, Mr. Gillespie, was on that
18 call?

19 A. Yes.

20 Q. And I told you during that call I was going to
21 do something that I didn't want to do, did I not?

22 A. Yes.

23 Q. Okay. I would like to pull the second video,
24 Number 49, and publish it, and enter it as an
25 exhibit.

1 THE COURT: Any objection to 49 that is
2 not in evidence yet?

3 MR. PRYOR: Object to the playing of the
4 video beyond what she says she viewed.

5 THE COURT: I understand that objection.
6 Any other objection to 49?

7 MR. GREENFIELD: No, your Honor.

8 THE COURT: Okay. I will overrule that
9 objection. And 49 is in evidence and you can
10 publish as much of which it as you wish.

11 (The referred-to document was admitted in
12 Evidence as Trial Exhibit 49.)

13 MR. McKEEBY: Okay. Go ahead.

14 (Thereupon, the video clip was played.)

15 MR. McKEEBY: You can turn it off.

16 BY MR. McKEEBY:

17 Q. I saw that you turned your eyes and I
18 understand that.

19 Did you see enough to recognize that as the
20 video?

21 A. Yes.

22 Q. During the phone call that you mentioned with
23 Mr. Schneider and Ms. Guttierrez, did they ask you
24 about the impact of those videos on you?

25 A. Yes, I believe so.

1 Q. And did you tell them?

2 A. Yes.

3 MR. McKEEBY: I have no further questions,
4 Your Honor.

5 Thank you, Ms. Stone. I'm sorry to have
6 done that.

7 THE COURT: Thank you.

8 It is time for our afternoon break. So
9 what I will do, is I will call it now.

10 Then we can reset, and you can ask
11 questions round two, Mr. Pryor.

12 Same instructions: You can talk to your
13 fellow jurors, court personnel about this case.
14 Don't talk to anyone else. Don't do any research
15 about the case.

16 All rise for the jury.

17 We will see you in 10 minutes at 3:02.

18 (The jurors exited the courtroom.)

19 THE COURT: You are excused. You just
20 can't talk to anyone about the case.

21 Can we get Exhibit 15-A back from you? We
22 need to color scan that, and then we will give
23 everyone a copy of it.

24 My apologies.

25 No, that's fine.

1 Anything we need to take up before the
2 break? Okay. We are in recess, we will see you at
3 3:02.

4 (Recess.)

5 THE COURT SECURITY OFFICER: All rise.

6 THE COURT: Anything before we bring in
7 the jury? Okay.

8 Let us bring them in.

9 And, Mr. Pryor, you can go ahead to the
10 podium. I just want to shave down as much time as
11 possible.

12 And by the way, so when we finish round
13 two, I have got to ask if anyone has a round three.
14 I recommend you don't use a round three for shot
15 clock reasons, but I will ask if anyone had a round
16 three.

17 MR. McKEEBY: You mean with this witness?

18 THE COURT: Yes.

19 (The jurors entered the courtroom.)

20 THE COURT: Okay. You can be seated.

21 Okay. Mr. Pryor, round two. It is your
22 chance.

23 REDIRECT EXAMINATION

24 BY MR. PRYOR:

25 Q. Ms. Stone, would you be surprised that if I

1 sent you a bloody horse head that said, "I'm for the
2 recall petition," that that would be a crime?

3 If I have killed a horse, I have cut it up and
4 I have put its bloody carcass in your house with a
5 message, that is a crime, right?

6 MR. McKEEBY: Object, it requires a lay
7 person to give a legal conclusion.

8 THE COURT: I will let her answer, if she
9 has personal knowledge.

10 THE WITNESS: I don't know if killing a
11 horse and cutting off its head is a crime.

12 BY MR. PRYOR:

13 Q. When asked for your personal knowledge and
14 beliefs about a variety of other laws that counsel
15 asked you about, you knew the answer.

16 But you can't tell me that killing a horse and
17 putting a bloody horse in your house with a message
18 that you have no idea?

19 MR. McKEEBY: Objection, asked and
20 answered. And I don't know what part of it --

21 THE COURT: Sustained.

22 BY MR. PRYOR:

23 Q. So Jeanna Jackson. Let's look at 21-O.

24 21-O, I can bring it up to you. Here.

25 THE COURT: I'm not sure O is. It's just

1 for the witness?

2 MR. PRYOR: Yes -- well, no, it is for
3 everyone. I just don't want to wait for the --

4 THE COURT: I understand. You can
5 approach the witness, that is fine.

6 MR. PRYOR: I'm not terribly patient when
7 on the clock.

8 THE COURT: I appreciate that.

9 MR. PRYOR: But I will wait.

10 THE COURT: I have got the jury screens
11 muted, so you can show it to everyone but the jury.

12 MR. PRYOR: Well, I move for the admission
13 of 21-0.

14 THE COURT: 21-0, same objections as to
15 the other 21 exhibits from Union and Southwest?

16 Okay. So 21-0, I will admit over
17 objection and say it is limited to the claims
18 against the Union; it is not relevant to the claims
19 against Southwest. And you can publish 21-0.

20 (The referred-to document was admitted in
21 Evidence as Trial Exhibit 21-0.)

22 BY MR. PRYOR:

23 Q. There it is.

24 So this -- do you recognize this document as a
25 document that talks about charges being brought by

1 the union against Jeanna Jackson?

2 A. Yes.

3 Q. And Jeanna Jackson is the one that we saw
4 numerous emails that you were on where attempted
5 charges were repeatedly brought to the attention of
6 Southwest Airlines? That's the same person, right?

7 MR. GREENFIELD: I'm sorry, objection,
8 your Honor.

9 THE COURT: Basis?

10 MR. GREENFIELD: This is outside the scope
11 of either mine or Mr. McKeeby's examination of
12 Ms. Stone in regard to charges brought by the union.
13 Neither of us talked about that.

14 MR. PRYOR: They absolutely talked about
15 Jeanna Jackson --

16 THE COURT: Can you explain what you mean
17 by that and -- in re-asking your question?

18 MR. PRYOR: Okay.

19 THE COURT: Explain what you mean by
20 "charges brought."

21 MR. PRYOR: Oh, by charge -- oh.

22 BY MR. PRYOR:

23 Q. I can read it. The union has examined the
24 charges and found them to be proper.

25 Charges are being brought against Jeanna

1 Jackson by the union.

2 Do you understand that?

3 A. Charges are brought about from a member of the
4 union against another member.

5 Q. Okay.

6 A. It is not the union itself that brings charges.

7 Q. Okay. So do you recall who brought the charges
8 against Jeanna Jackson?

9 MR. GREENFIELD: Objection, Your Honor. I
10 renew my scope objection, and also would like to
11 assert relevance.

12 THE COURT: I think it is close enough.
13 Proceed.

14 MR. MORRIS: I'm sorry?

15 THE COURT: I think it is close enough.
16 Proceed.

17 You can answer.

18 THE WITNESS: I don't remember who brought
19 charges against Jeanna.

20 BY MR. PRYOR:

21 Q. Do you recall that, in fact, this says that,
22 The charges were found sufficient to require a trial
23 for Sister Jackson.

24 Did that happen?

25 You don't know?

1 A. I believe there was a trial, yes.

2 Q. You believe there was a trial and you know the
3 result, don't you?

4 A. I do not -- this isn't a document I have looked
5 at since 2017. I don't recall the details of this.

6 Q. I didn't ask you the details. I asked you, was
7 there a trial?

8 A. I think so.

9 Q. You don't think so, you know so?

10 MR. GREENFIELD: Objection, asked and
11 answered.

12 MR. PRYOR: I'm testing her answer. She
13 absolutely knows.

14 THE COURT: Test it once.

15 BY MR. PRYOR:

16 Q. Did you know?

17 A. I think there was a trial.

18 Q. So this person you had been on emails where you
19 had been trying to get the company to do something
20 against her for months, the union -- your union has
21 a trial, and you only think there was a trial?
22 Right?

23 MR. GREENFIELD: Objection, your Honor,
24 asked and answered.

25 THE COURT: Sustained.

1 BY MR. PRYOR:

2 Q. And this trial that you think occurred, you
3 also know the results of that trial that you think
4 occurred, don't you?

5 A. Yes.

6 Q. Okay. So I just want to make sure we are
7 clear. You weren't sure there was a trial, but you
8 are sure of what the result of the trial was, right?

9 A. Yes, sir.

10 Q. And that is pretty interesting, don't you
11 think?

12 MR. GREENFIELD: Objection, your Honor,
13 argumentative. Sidebar.

14 THE COURT: Sustained.

15 BY MR. PRYOR:

16 Q. And the result was that she was put on some
17 type of suspension that prevented her from running
18 for office in the next election, true?

19 A. No. It is not a suspension under the
20 TW International constitution.

21 As I mentioned earlier, one of the results of a
22 trial, if the members find a member to be guilty
23 and -- of the charges presented, one of the
24 disciplines or impact to that can be that they are
25 made a member in bad standing, which means they

1 can't attend union meetings, they can't hold a union
2 position and they couldn't run for office.

3 Q. I'm sorry, I used the wrong phrase.

4 But the point is, that the charges' result --
5 or the result of the trial was she didn't qualify to
6 run for the next election because she was in bad
7 standing?

8 MR. GREENFIELD: Objection, your Honor.
9 If we can have a sidebar, please.

10 THE COURT: You may.

11 (Thereupon, the following proceedings were
12 had at sidebar:)

13 MR. GREENFIELD: I would like to renew my
14 scope objection at this time. I believe we now are
15 outside of it. We are talking about a document --
16 excuse me -- a document from November 2016. This
17 was well after Carter's termination and it is what
18 Ms. Carter was terminated for and the reasons why
19 she was terminated, after she was gone.

20 THE COURT: Jeanna Jackson can be within
21 the scope.

22 MR. PRYOR: Exactly. Jeanna -- they
23 raised Jeanna Jackson, acting like she had little or
24 no involvement in it. And I'm entitled to now
25 follow up on what -- I talked about all her

1 complaints about Jeanna Jackson. They followed up.
2 Now I'm following on what they did. I'm showing,
3 no, there is even more.

4 THE COURT: I will let you do it. I think
5 it is a really crummy use of your time. You are
6 taking time away from your client.

7 MR. PRYOR: If you think it is a crummy
8 use of our time --

9 THE COURT: Every question you are asking
10 is a question you are not going to ask your client
11 when she's on the stand. You are making it all
12 about this one witness.

13 Again, if you want to do it, I think it is
14 of marginal value. I get it. That is why I put the
15 time clock on you. You can choose to do more
16 important things.

17 MR. PRYOR: I'm past the representing my
18 client. And I understand your opinion of our case,
19 but I'm the one that is charged with presenting it.
20 I know you are charged with judging it. I believe
21 it is important. I will get away from it as quickly
22 as possible, but I am concerned that you don't see
23 it as terribly relevant.

24 THE COURT: Go forth.

25 (Thereupon, the sidebar was concluded and

1 the following proceedings were held in open
2 court:)

3 THE COURT: You can proceed.

4 BY MR. PRYOR:

5 Q. You told me the Southwest Airlines
6 Investigating Committee that -- you said you didn't
7 say that you wanted -- that you wanted Charlene
8 Carter fired, you said that you just wanted it to
9 stop.

10 The only thing she ever did was send you
11 messages, correct?

12 A. Yes.

13 Q. And if you -- if that is all you wanted, all
14 you had to do was block her, true?

15 A. Could have stopped the message coming to my
16 Facebook. I was concerned about her sending those
17 images to other flight attendants that had been in
18 attendance with me, one of whom --

19 Q. You wanted to stop her.

20 And by the way --

21 A. May I finish?

22 THE COURT: You may finish.

23 BY MR. PRYOR:

24 Q. She never said --

25 THE COURT: Hold on. She can finish.

1 MR. PRYOR: Oh, I thought she was
2 finished. Go ahead.

3 THE WITNESS: One of whom was very visibly
4 pregnant at the march. And blocking Charlene would
5 not have prohibited her from turning around and
6 sending that to any of the other women that were
7 with me.

8 BY MR. PRYOR:

9 Q. So Charlene sends these communication to her
10 union president. Every message she ever sent you,
11 she sent to you in a private message, not for anyone
12 else. No one could else open it. True?

13 A. Via Facebook, yes.

14 Q. Okay. So every Facebook message she sent was
15 to you, and it was private.

16 Do you have anything to tell this jury that she
17 sent those messages to anyone else?

18 A. I never stated that. I said I was worried
19 about that.

20 Q. So you were worried about that, but it
21 certainly wasn't something that had ever occurred.
22 And you could have blocked her? Right?

23 MR. GREENFIELD: Objection, your Honor,
24 lack of foundation as to Ms. Stone's knowledge about
25 what Ms. Carter sent to any other individual.

1 THE COURT: I will overrule that.

2 BY MR. PRYOR:

3 Q. You can answer.

4 A. I don't know. I don't know if she had ever
5 communicated with any of the women that there were.

6 Q. So what I'm asking, ma'am, is to your
7 knowledge -- to your knowledge -- did Charlene
8 Carter send any of the messages she sent to you to
9 anyone else?

10 A. No, not to my knowledge.

11 Q. Counsel asked you if Charlene Carter knows your
12 views on abortion, and I can't remember the other
13 questions. But what she was sending you was
14 complaints about her union, she didn't want her
15 union spending money on a march that was sponsored
16 by Planned Parenthood. It wouldn't matter what your
17 views on abortion were for that, would it?

18 A. Can you repeat the question, please?

19 Q. Yes.

20 Your views on abortion are not relevant to what
21 the Union -- what Charlene Carter viewed as the
22 Union spending money going to a Women's March
23 sponsored by Planned Parenthood, and her dues money
24 was being used for that. That was her complaint.
25 Your views on abortion don't affect that, right?

1 MR. McKEEBY: Objection, this is argument.

2 THE COURT: I will allow that.

3 MR. GREENFIELD: Your Honor, if I may
4 object, counsel is inserting --

5 THE COURT: No speaking objections. What
6 is your basis?

7 MR. GREENFIELD: Counsel is testifying
8 with legal conclusion.

9 THE COURT: That is fine. I will overrule
10 that. You can answer the question.

11 BY MR. PRYOR:

12 Q. You can answer.

13 A. The Union didn't spend union dues on the march.

14 Q. That wasn't my question, was it, ma'am?

15 A. It was in the question you asked me.

16 Q. I'm talking about Charlene's concern, whether
17 she was right or wrong about the Union spending
18 money.

19 Although, you answered my question yesterday
20 that 20 women went up there on the Union's nickel,
21 but, gee, not for the march. Well, that is not the
22 way Charlene viewed it. But we can set aside that
23 debate.

24 From Charlene's view, the union was spending
25 money on that march, and that is what she was

1 complaining to you about.

2 Your views on abortion do not relate to that
3 complaint, true?

4 MR. McKEEBY: Same objection, this is
5 argument.

6 THE COURT: I will sustain this one.

7 BY MR. PRYOR:

8 Q. Does your view of abortion relate to Charlene
9 Carter objecting to dues money being spent on the
10 Women's March, in her opinion?

11 MR. McKEEBY: Same objection, and asked
12 and answered.

13 THE COURT: I will allow this one.

14 MR. PRYOR: Thanks, Judge.

15 THE WITNESS: No.

16 BY MR. PRYOR:

17 Q. Now, ma'am, let's up put up Exhibit 47 they
18 showed you a few minutes ago.

19 This is the anatomically correct hats. And you
20 were asked the question of, Did you wear this hat?

21 You said no.

22 You were asked the question of, Did you see
23 anyone at the march wearing this hat?

24 You said, No.

25 But in fact, you know, because you testified

1 yesterday, that you found out that, in fact, women
2 were wearing those hats at the march that your union
3 participated in, true?

4 A. No, sir, that is not what I recall saying. I
5 recall you talking about these images being from
6 women at the march.

7 Q. Are you telling me, as you sit here today, that
8 you don't know that there were groups of women
9 wearing anatomically correct hats at the Women's
10 March? Whether you saw them or not, you found out
11 that that, in fact, happened?

12 A. After the march, yes, I did find that out.

13 Q. Okay. And Charlene was complaining about that
14 occurring at a march that her union was at and she
15 thought it reflected bad on the union.

16 That is her complaint, right?

17 A. Yes.

18 Q. Let's look at Exhibit 94.

19 I'm going to hand you a hard copy of this.

20 MR. PRYOR: May I approach?

21 THE COURT: You may.

22 BY MR. PRYOR:

23 Q. I'm going to ask you the same question I asked
24 you about Exhibit 15 today. And that is, can you
25 look through this and tell me if there is any

1 communication in here that you don't think is part
2 of Ms. Carter's rights to object to her union? Or
3 complain to her union? If you find a page, be sure
4 and tell me, and we will talk about it.

5 A. All of her messages are complaining about the
6 union. All of the written text.

7 Q. Is there anything in there that you think is
8 not protected union activity on the part of
9 Ms. Carter?

10 A. I don't believe that sending me videos of dead
11 babies is protected union activity.

12 Q. Now, we can talk about that all you want,
13 ma'am -- and we are getting ready to -- but in this
14 exhibit, is there anything that is not
15 union-protected activity?

16 A. These are in this exhibit, the comment I just
17 made. And I just answered that I do not believe
18 that is protected union activity.

19 Q. Which pages?

20 A. The very back. 4264.

21 Q. 4264.

22 Okay. Other than 4264, are there any other
23 communications in Exhibit 94 that you consider not
24 to be union-protected activity?

25 A. I don't know what the last page is. It is

1 referencing -- so I don't think the last page is
2 either, what I can see on it.

3 Q. The page talking about, Seek God now in prayer?
4 You don't know if that is related to union activity
5 or not?

6 A. No.

7 Q. Anything else?

8 A. No, not that I see.

9 Q. As to that last page, 4267, you don't recall
10 that the communication from Ms. Carter about Alveda
11 King and her opposition to abortion was relating to
12 her complaints regarding Planned Parenthood and the
13 Union's association with it at the march?

14 A. No. One of the exhibits that had a bunch of
15 stuff about King, I said that I had never seen that
16 before.

17 Q. Okay. Let's talk about the videos.

18 So you told me this morning -- or yesterday,
19 that one of the videos that you accidentally clicked
20 on to view was two or three seconds. And we watched
21 that this morning, right?

22 A. I never said I watched it for two or three
23 seconds. I said I watched part of it when it
24 automatically started playing, which videos in
25 Facebook can do.

1 Q. Okay. Wait. Facebook Messenger, you're
2 telling me now -- do you recall yesterday telling us
3 that you clicked on it inadvertently and that is
4 what made it start?

5 A. You kept asking me questions about videos not
6 automatically playing, and I would have had to have
7 hit play. And I answered that I must have
8 inadvertently hit it.

9 But there are times -- Facebook plays videos
10 without you going in and hitting play.

11 Q. Your testimony is, you have gone on to Facebook
12 Messenger, opened it up, and the video was playing
13 before you click on the video?

14 A. No. I'm talking about within Facebook. I
15 don't believe I have ever received other videos in
16 Facebook Messenger besides the one Ms. Carter sent.

17 Q. I'm just trying to get an answer to my
18 question. It is your testimony that that can happen
19 on Facebook Messenger?

20 A. No, sir. I am saying that within Facebook,
21 videos can automatically play.

22 Q. And I'm asking about Facebook Messenger, which
23 is where you received this video.

24 You accidentally clicked on it, was what made
25 it play, true?

1 A. I am still saying I don't know if I
2 inadvertently hit play. My recollection, as I have
3 said over and over, was that it started playing when
4 I opened that thread with Ms. Carter in it.

5 Q. Did you tell the Southwest investigating
6 committee that you looked at the message, saw what
7 it was about, didn't have time to look at the video,
8 and then clicked later?

9 A. No. That is not what I stated to them.

10 Q. And today, you tell us that you immediately
11 stopped playing the video, the first video, and
12 then -- I don't know, was it the next day that you
13 go to your hotel room and you decide you do want to
14 watch the second video, and you click on it and
15 watch it?

16 A. What I stated is that I saw enough of the first
17 video. I instantly became upset. I stopped playing
18 it. Removed myself from the boarding area until I
19 pulled myself together.

20 And then, yes, later on -- I believe it was the
21 next day -- I went back in and watched everything in
22 its entirety, and read the accompanying text
23 messages.

24 Q. So knowing what it was about, you made the
25 voluntary decision to watch these videos, true?

1 A. At that point, yes.

2 Q. And were you doing it at that point because you
3 wanted to see what happens to an unborn baby during
4 an abortion? Or because you wanted to use it to
5 bring charges against Ms. Carter?

6 A. Neither. I wanted to know exactly what had
7 been sent to me, why it had been sent to me, what --
8 where this was coming from.

9 Q. Okay. Well, the messages told you why it was
10 sent to you. And you could also look on the caption
11 below the video to see where it came from. But you
12 also wanted to see what was in the video, true?

13 MR. GREENFIELD: Objection, your Honor,
14 counsel is testifying.

15 THE COURT: I will allow that.

16 THE WITNESS: I had no idea why those
17 videos had been sent to me at the time I opened it
18 and started watching it.

19 BY MR. PRYOR:

20 Q. So you watched the video, and you saw a baby
21 moving, true?

22 A. In one of them. It looked -- it appeared as if
23 the baby was moving.

24 Q. It appeared that the baby was alive. Movement
25 indicates life, true?

1 A. Yes.

2 Q. And if anyone wanted to tell their union
3 president -- forget your views on abortion -- but if
4 you wanted to tell your union president, Don't spend
5 our money on organizations that support this, and
6 you wanted to protect a baby's life, can you think
7 of a more effective means of doing it? You have
8 cried every time you have talked about it. What is
9 more effective?

10 A. I don't think it was effective. I think it was
11 harassment and disturbing.

12 Q. It didn't change your view about abortion, did
13 it?

14 MR. GREENFIELD: Objection, your Honor,
15 relevance.

16 THE COURT: Sustained.

17 MR. PRYOR: They asked her -- okay.

18 BY MR. PRYOR:

19 Q. It didn't change your view that a woman should
20 get to decide whether or not to have an abortion?

21 MR. McKEEBY: Objection, asked and
22 answered.

23 MR. GREENFIELD: Object to relevance.

24 THE COURT: Yeah, I will sustain that one.

25

1 BY MR. PRYOR:

2 Q. Can you tell me a more effective means of
3 trying to tell someone that abortion is taking a
4 life than that -- I'm not saying you have to agree
5 with it -- can you think of a more effective means
6 of trying to convince someone that abortion is
7 taking a life than the actual video of the life that
8 is being taken?

9 MR. GREENFIELD: Objection, relevance as
10 well.

11 THE COURT: I will allow that.

12 THE WITNESS: It was only effective in
13 upsetting me.

14 BY MR. PRYOR:

15 Q. I'm not asking --

16 A. -- making me feel harassed. It is not that I
17 think it is an effective tool. I don't think that
18 should be utilized.

19 Q. You don't think that -- can you tell us a more
20 effective means of doing it to convince someone --
21 something better than actual video, of me sitting
22 here and telling you statistics or anatomy lessons?
23 What is more effective than the video?

24 MR. GREENFIELD: Objection, your Honor,
25 asked and answered.

1 MR. PRYOR: I'm looking for an answer.
2 She hasn't answered it.

3 THE COURT: I will let you ask it this one
4 last time.

5 THE WITNESS: Conversation would be more
6 effective.

7 MR. PRYOR: Thank you.

8 THE COURT: Okay. Mr. Greenfield, round
9 two.

10 MR. GREENFIELD: No more questions, your
11 Honor.

12 THE COURT: Okay. Mr. McKeeby.

13 MR. McKEEBY: I will be quick.

14 RECROSS EXAMINATION

15 BY MR. McKEEBY:

16 Q. Ms. Stone, do you recall yesterday when
17 Ms. Carter's counsel criticized you for not
18 responding to the historical Facebook messages
19 regarding -- they characterized as union activity?

20 MR. PRYOR: Object to ad hominem comments
21 and mischaracterizations.

22 THE COURT: Can you rephrase it?

23 MR. McKEEBY: I think I know what
24 ad hominem is, and I -- oh, union counsel. I see.
25 I get it now. No, that wasn't it. I didn't even

1 notice that.

2 Let me start again.

3 MR. PRYOR: Call me American Airlines
4 Counsel.

5 BY MR. McKEEBY:

6 Q. Former counsel for American Airlines questioned
7 you yesterday and criticized you for not responding
8 to his client's historical emails, Facebook
9 messages.

10 MR. PRYOR: Now -- I'm sorry. I am
11 objecting to mischaracterization. That is not what
12 I did.

13 THE COURT: I think he's going after the
14 word "criticized."

15 Is that correct? Is there any word other
16 than "criticized" you can use to stop the objection?

17 MR. McKEEBY: Sure.

18 BY MR. McKEEBY:

19 Q. Counsel for Ms. Carter yesterday questioned
20 your failure to respond to his client's historical
21 emails, text messages -- excuse me -- Facebook
22 messages about union activity.

23 Do you recall that?

24 A. Yes.

25 Q. And today he's saying you should have blocked

1 his client. Did you understand that?

2 A. Yes.

3 Q. Do you find that a little bit, oh,
4 contradictory?

5 A. Yes.

6 Q. Have you ever blocked anyone on Facebook
7 before?

8 A. I have now.

9 MR. McKEEBY: No other questions.

10 THE COURT: Round three? Limited scope to
11 round two.

12 MR. PRYOR: No.

13 THE COURT: Okay. That means we are done
14 with you as a witness. I no longer have to tell
15 you, you can't talk to anyone about the case. I can
16 excuse you from the courtroom, but all witnesses are
17 subject to the right to recall.

18 It doesn't always happen, but occasionally
19 it does, so be on standby. We may need your
20 testimony back if something else happens during the
21 trial.

22 So thank you for being here.

23 Thank you for your testimony, Ms. Stone.

24 Okay, Carter can call the next witness.

25 MR. PRYOR: At this time we call, by video

1 deposition, Brian Talburt.

2 Have you already explained video
3 depositions? I can't remember.

4 THE COURT: I'm about to while you queue
5 up the Talburt video.

6 So I will tell the jury, there are legal
7 reasons why a witness might not be able to be here
8 in person. I don't have limitless power to draw
9 people in who are beyond my geographic radius.

10 So this next witness meets that test for
11 being unavailable. They had him on a deposition,
12 which means they took his sworn testimony earlier in
13 the course of this case. And then I have reviewed
14 that.

15 And we are going to play the relevant
16 portions of that deposition for you. You are
17 supposed to treat that deposition, that video depo,
18 the same as if that person were live, sitting here
19 on the stand.

20 I also need to say one more thing, which
21 is there are some snippets of testimony here that go
22 to an issue I have talked to you about earlier on
23 Southwest, and maybe Southwest disciplining
24 something, or claims on how Southwest treated
25 somebody. I told y'all that is not relevant to

1 these claims against Southwest.

2 Some of those are intertwined with this
3 depo and we couldn't separate it out because it is
4 not a live witness on the stand. So you will hear
5 some of that. Please ignore that. That is my
6 limiting instruction to you.

7 With that, you can queue up Talburt and
8 go.

9 (Thereupon, the video clip was played and
10 transcribed as follows:)

11 E X A M I N A T I O N

12 BY MR. PRYOR:

13 Q. State your name, please.

14 A. Brian Talburt.

15 Q. Mr. Talburt, my name is Bobby Pryor. I
16 represent Charlene Carter. Who have you --

17 THE REPORTER: Mr. Talburt, please let the
18 attorneys finish before you give an answer.

19 BY MR. PRYOR:

20 Q. Were you a supporter of Audrey Stone both when
21 she ran for union leadership and while she was in
22 union leadership?

23 A. Yes. I supported her in her campaign.

24 Q. Well, did you support her in her -- while she
25 was a leader?

1 A. In most -- in most situations, yes.

2 Q. What did you do as a member of CAN?

3 A. Basically, that was lounge education and a
4 lounge -- and a mobilization effort for contract
5 negotiations.

6 Q. That stands for Contract Action Network?

7 A. Correct.

8 Q. When were you part of CAN?

9 A. Oh, that would have been for our first
10 tentative agreement for a contract that ultimately
11 was settled in 2015, I guess. So I'm guessing that
12 would have been 2013.

13 Q. Are you currently employed by Southwest
14 Airlines?

15 A. Yes, I am.

16 Q. And what is your position?

17 A. I'm a flight attendant.

18 Q. Are you still a member of Local 556?

19 A. Yes.

20 Q. And your -- at this fact-finding meeting -- and
21 did this also go to a Step 2?

22 A. No.

23 Q. So then at Step 1, who represented you?

24 A. Brett Nevarez.

25 Q. And was it argued at this meeting, at this

1 hearing by you and Brett Nevarez, that your actions
2 were protected from, among other reasons, that you
3 were engaged in union activity, in fact, engaged in
4 activity relating to an election?

5 A. Yes.

6 MR. GREENFIELD: Object to form.

7 It is incomplete, it is vague, and it's --
8 it just paints an incomplete picture.

9 THE COURT: You can ignore the part where
10 they talk about objections.

11 Q. At this meeting, did you argue that your union
12 activities should be protected from Southwest's
13 social media policy?

14 A. Yes.

15 Q. And Mr. Nevarez supported that argument on
16 behalf of the leadership of Local 556, correct?

17 A. He supported that argument. Presumably the
18 rest would be accurate as well.

19 Q. And who was president at that time of the Local
20 556?

21 A. Audrey Stone.

22 Q. Now, did you ever engage -- and I think you
23 have answered this before, but it is a little bit
24 more specific -- did you ever engage in an effort to
25 target union member opponents of Stone's and her

1 slate, recall petition members or objectors of Local
2 556?

3 A. You would have to define the word "target."

4 Q. Okay. Then tell us -- tell the jury how you
5 would define "target" in regard to targeting union
6 member opponents to Stone and her slate, union
7 member opponents acting in favor of a recall, and
8 union objectors.

9 How would you use the word "target" in regard
10 to those three classes of people?

11 A. I -- I -- if -- I guess basically trying to
12 isolate or identify them.

13 Q. All right. So can you tell me, is all you did
14 to target those groups is just to find out who they
15 were?

16 A. No, I didn't. I didn't say that and that is
17 not what I did.

18 Q. So tell us what you did.

19 A. The only thing that -- what I can think of that
20 I did, would probably be turning in social media
21 violations for public comments that were made,
22 usually, that were inaccurate or offensive.

23 Q. So when you told Southwest Airlines you don't
24 want to turn anyone in for social media violations,
25 this is a nightmare, changed your mind?

1 A. Yes.

2 Q. So what did you do, then, to target these
3 groups?

4 A. Sent them to management, certain social media
5 posts that would have been incriminating.

6 Q. Who assisted you with that?

7 A. Assisted?

8 MR. McKEEBY: Object to the form.

9 THE WITNESS: I don't know that anybody
10 assisted me. I would have just forwarded it to
11 somebody.

12 BY MR. PRYOR:

13 Q. How did you identify those three classes of
14 people?

15 A. Anybody that would have been turned would have
16 nothing to do with being an objector. I don't even
17 know who -- the names of the objectors were not
18 public, or never disclosed, until they identified
19 themselves.

20 Q. Who do you remember turning in?

21 A. The only person that I can remember turning in
22 would have been Jeanna Jackson. I'm not saying that
23 is an inclusive list, but that is the only person
24 that comes to mind at this moment. Again, this is
25 eight years ago.

1 Q. What about Mike Casper?

2 A. More than likely, Mike Casper. Given an
3 opportunity, I would have, yes.

4 Q. And why Mike Casper, if you had been given the
5 opportunity?

6 A. Mike Casper was an -- has been an adversary for
7 many years, causing a great deal of dysfunction and
8 destruction to both Southwest and TWU.

9 Q. And so you would have targeted Ms. Jackson, and
10 if given the opportunity, Mr. Casper.

11 Anybody else?

12 A. When you say "targeted," I don't know that I
13 necessarily agree with the term you're using.

14 Did I turn them in using -- turn in their words
15 to Southwest? Yes.

16 Q. What was the result -- first of all, who at
17 Southwest management did you talk to about targeting
18 these three groups?

19 A. Whoever I sent them to. I don't know whether
20 it was the social media violations department or a
21 vice president, director, base man -- probably not
22 the base manager. I doubt that I would have
23 included them.

24 Q. You don't recall who you sent it to?

25 A. No.

1 Q. How did you decide who to send it to? Maybe
2 that will help us narrow it down.

3 A. Probably the people that I would have had
4 some -- the closer -- more of a working relationship
5 with, and felt more comfortable with.

6 Q. And what -- who would fall within that group?

7 A. Possibly our -- I don't believe Sonya Lacore
8 would have been vice president at that point; I
9 think she was a director.

10 Mike Simms would have been a director.

11 Q. And who would the director have been at that
12 point, Hafner?

13 A. I would just say -- so -- I believe Sonya
14 Lacore would have been a director at that point, as
15 would have been Mike Sims.

16 Q. Okay. So you think you would have spoken to
17 either Ms. Lacore or Mr. Sims or both?

18 A. Probably not spoken, probably would have
19 forwarded an email.

20 Q. Did you exchange emails on a regular basis with
21 Sonya Lacore?

22 A. Yes.

23 Q. And what time period would that have been?

24 A. Probably 2013 through -- I don't know.

25 Probably whenever she became vice president or

1 shortly -- shortly thereafter, I would guess.

2 I mean, I continued to have emails with her
3 over the years of various topics.

4 Q. And Ms. Lacore, what was her position at
5 Southwest Airlines?

6 A. Most of the time when I dealt with her more
7 regularly, she was a director.

8 Q. Director of what?

9 A. Director of in-flight.

10 Q. And explain to the jury what -- what that
11 means, to be director of in-flight?

12 A. I don't really know what the role is, to be
13 honest with you. It is one notch below a vice
14 president and one notch above a manager. So I don't
15 know what her specific duties were.

16 I worked with her on a couple of projects that
17 she was basically the liaison or oversaw what we
18 were doing. So that's when I had most of my contact
19 with her.

20 Q. All right. So this is an email from you to
21 Sonya Lacore dated April 29, 2014, correct?

22 (The videotaped testimony of the witness
23 was paused.)

24 MR. HILL: Exhibit 141 displayed. Trial
25 Exhibit 141.

1 THE COURT: Thank you.

2 (The videotaped testimony of the witness
3 was played.)

4 BY MR. PRYOR:

5 Q. And you sent this to her private email,
6 correct?

7 A. Apparently so, yes.

8 Q. With Facebook and 24/7 reach, the characters
9 become more relevant. Corliss particularly is
10 something that we not seen before, and it is
11 incredibly dangerous.

12 Who is Corliss?

13 A. A Southwest flight attendant.

14 Q. So now you are identifying another Southwest
15 Airlines employee in referring to her as "incredibly
16 dangerous," correct?

17 A. Correct.

18 Q. You say, "The attitude she spawns is TW
19 Airlines in the '80s. People listen and people
20 react."

21 What are you referring to when you say, "She
22 spawns Northwest Airlines in the '80s"?

23 A. Northwest Airlines was notorious for having
24 very poor labor management relations.

25 Q. And they had a --

1 A. And history -- and historically, at Southwest
2 Airlines, we did not have that.

3 Q. Okay. So you were warning Ms. Lacore that
4 Corliss spawns an attitude of union problems with
5 management, in your opinion?

6 A. Right.

7 Q. Did you say --

8 A. In my opinion, correct.

9 Q. Did you say "right"?

10 A. In my opinion, correct.

11 Q. And then you said, "I am all about targeted
12 assassinations," correct?

13 A. That's what I said.

14 Q. And did Ms. Lacore report to you, to your
15 knowledge, to Southwest management for any of the
16 words that you have -- that we've read so far in
17 this email?

18 A. Not to my knowledge.

19 Q. And you know that targeted assassinations gets
20 you in trouble, because you got in trouble about
21 that, didn't you?

22 A. That would have been -- I'm looking at the
23 timeline. Apparently so, yes.

24 Q. I understand your defense of the terms. What
25 I'm pointing out is, you've been disciplined for

1 this language, and you felt comfortable using it
2 with a senior member of in-flight management at
3 Southwest Airlines, correct?

4 A. Correct.

5 Q. It says, I am sure with her dreadful work
6 history, there could be opportunity.

7 Are you there talking about exactly what you
8 mean, as you tell us about "targeted
9 assassinations"? You're not suggesting that you are
10 going to assassinate Ms. Corliss, you're suggesting
11 that taking advantage of her dreadful work history
12 could be the opportunity to get -- I don't know --

13 A. Apparently, yes.

14 Q. Then you say, She will play very well to the
15 heavy, inner-city minority crowd coming on board
16 soon. She will be their voice. She will be a huge
17 threat in our upcoming election as well. She plays
18 very well to her crowd and has as much support as
19 anyone I have seen in the past.

20 You wrote those words and you sent them to
21 Sonya Lacore, correct?

22 A. It appears so, yes.

23 Q. Okay. And you know Ms. Lacore did not report
24 you to Southwest Airlines for violation of any
25 Southwest policies as a result of this, correct?

1 A. Not that I'm aware of.

2 Q. Do you think that your words here are racist?

3 A. No.

4 Q. Didn't you say -- I'm going to skip down to the
5 next paragraph -- well, no, let me go to the last
6 sentence here.

7 You're talking about Sam Wilkins. And then you
8 say, Everybody loves her. But then you say, Well,
9 everyone except the Haters.

10 And that is a capital "H."

11 Who is haters?

12 A. The opposition to the current administration.

13 Q. So union members who oppose the current union
14 leadership?

15 A. Not necessarily oppose, but are vocal and
16 public.

17 Q. No, sir. Just now, you said that she would
18 know, that Ms. Lacore would know. We'll put these
19 words up for the jury. Here's your chance to see if
20 you can tell the truth under oath.

21 Did you tell -- say that she would understand
22 that haters meant anyone that was opposed to the
23 current union administration?

24 You can answer.

25 A. I said that's not entirely what I meant.

1 Q. So --

2 A. What I meant was -- Sonya -- Sonya would be
3 well aware of the people that were extremely vocal
4 publicly about our current administration. There
5 was no secret about that.

6 Q. The next paragraph says, Social media is, by
7 far, the major source of reach and must be used to
8 our advantage.

9 Are those the words that you used?

10 A. Yes.

11 Q. And then you go down to the next paragraph.
12 Cancer is a dangerous thing and must be eradicated
13 wherever possible before it spreads.

14 By the way, if you go back up to that first
15 paragraph, the cancer example you gave us as to
16 Mr. Casper, right?

17 A. Yes.

18 Q. And is that what you're referring to here or
19 are you talking about a larger group of people?

20 A. Well, I'm talking about a movement. Casper
21 would have been a pioneer in that movement.

22 Q. You said, I would highly encourage targeting
23 people, and a one-day detective with a video camera
24 is a very cheap investment.

25 Is that a recommendation that you were making

1 to Ms. Lacore?

2 A. Apparently so, yes.

3 Q. What were you trying to avoid by sending it to
4 her personal email?

5 A. The filters that it may go through at
6 headquarters as opposed to not going directly to
7 her. I don't know who reads things at headquarters.

8 Q. Why would you be concerned about someone
9 reading this? If you are not doing anything wrong,
10 why are you concerned?

11 A. It was a personal -- personal communication
12 between two people.

13 Q. And so you are worried about your -- you have
14 told us now. You couldn't remember, but now you
15 told us in what you wrote. You didn't want a paper
16 trail about these communications, did you?

17 A. I didn't want to put -- basically, this was a
18 one-sided communication. It was not intended, nor
19 expected to be -- I didn't want her to think that a
20 reply was to be expected.

21 Obviously, I'm using some inflammatory, some
22 colorful language and I would not expect her in her
23 position to respond to that. So I was basically
24 sharing my thoughts with her. Nothing more.

25 Q. You sent this to Ms. Stone; one of the reasons

1 was to point out that in that email below, you used
2 the "targeted assassinations" metaphor.

3 And at another point in time, you got no
4 trouble. But here, this shows that you had used it
5 before with senior management. Not gotten in
6 trouble. And it was clear that you were talking
7 about terminating someone's job, not killing
8 someone, is that accurate?

9 A. Not necessarily terminating somebody's job, but
10 basically being held accountable, yes.

11 Q. Other than that, either terminating their job
12 or holding them accountable, my statement was an
13 accurate summary?

14 A. Yes.

15 Q. So in your naive way of thinking, in fact, you
16 told Ms. Stone that the reason you did this
17 communication the way you did with Ms. Lacore was to
18 keep it off the record. You even put quotes on
19 around it, true?

20 A. Yes. Apparently, yes.

21 MR. McKEEBY: This is trial Exhibit 26.

22 MR. HILL: Trial Exhibit 26 is being
23 displayed.

24 THE WITNESS: Could you make this a little
25 bigger?

1 BY MR. PRYOR:

2 Q. Let me scroll up. Do you know if you sent this
3 to Audrey Stone and her response was "Not relevant"?

4 A. Okay.

5 Q. I'm asking you if you agree that is what is --
6 I think it is, but I need you to tell me that's what
7 you think as well.

8 A. That's what it looks like, yes.

9 Q. Okay. All right.

10 So at the bottom, there is something that says
11 from Mike Hafner to Brian, and that's you, right?

12 A. I'm sorry. Where are we looking at?

13 Q. Can you see my cursor? If you look at the
14 bottom, on August 16th, 2013 at 6:21 a.m., it
15 appears that you received an email from Mike Hafner
16 that was also sent to Matthew -- and I don't know
17 how to pronounce his last name.

18 At the very bottom, do you see where it says
19 "Trial Exhibit 26"?

20 A. Oh, yes. Yeah. My phone is blocking it. I
21 can't see it.

22 Q. Okay, fair enough.

23 And if you look to the left of that, you see it
24 is an email from Mike Hafner that you're carbon
25 copied on? At 6:21 a.m.?

1 A. Yes.

2 Q. And I don't have anything else about that
3 email.

4 But if you look at the email above, are you
5 able to tell us any recollection you have of what
6 Mr. Hafner was sending you? If it helps, the
7 subject line says, "Re: Facebook."

8 A. Okay.

9 Q. Do you recall what Mr. Hafner was communicating
10 to you in that email?

11 A. I -- I don't know. I mean, I know what -- I
12 know what the email is about, but I don't know what
13 Hafner was responding to, no.

14 Q. So then at that time Mr. Hafner was in what
15 position?

16 A. In 2013, he would have been the vice president
17 of in-flight services.

18 Q. And that's a member of senior management of
19 Southwest Airlines?

20 A. Yes.

21 Q. Okay. Then you go on to say, But it is an
22 illustration of casual, behind-the-scene
23 conversations we have, and particularly social
24 media. That's what you wrote, correct?

25 Do I need to make it bigger?

1 A. No. No. I'm just --

2 Q. Do you agree that that is what you wrote?

3 A. Yes.

4 Q. And then you write, I, along with Mike and
5 Sonya, had a meeting last summer with VdV to discuss
6 social media as a tool.

7 Did you write that?

8 A. Yes.

9 Q. And is "Mike," Mike Sims?

10 A. No. Mike Hafner.

11 Q. Oh, I'm sorry. Mike Hafner.

12 And is "Sonya," Sonya Lacore?

13 A. Yes.

14 Q. And that's the same Sonya Lacore as the last
15 email we were looking at that you were talking about
16 using social media to target assassination.

17 Again, to you that means termination or
18 otherwise hold them accountable, such as Ms. Corliss
19 and Mr. Casper?

20 A. This particular email is a completely different
21 context and a completely different -- totally
22 different angle than what that email said.

23 Q. And that -- that wasn't my question.

24 We can certainly talk about that question.

25 But my question is, this is the same Sonya

1 Lacore you were talking to in that previous email
2 marked trial Exhibit 141, about targeting for
3 assassination union members such as Mr. Casper and
4 Ms. Corliss, correct?

5 A. The same person, yes.

6 Q. And then it says, Had a meeting last summer
7 with VdV. I think I read that. Who is VdV?

8 A. Mike Van de Ven.

9 Q. Van de Ven?

10 A. Van de Ven.

11 Q. Your union has been addressing Southwest
12 Airlines social media policy for a long time. We
13 have been bringing forward your concerns around the
14 lack of clear guidelines on a policy that is both
15 vague and undefined.

16 We have witnessed inconsistencies around the
17 way that the policy is applied, and it is often a
18 subjective stance that Southwest management has
19 displayed in administering the policy.

20 Do you recall that?

21 A. Yes.

22 Q. And that was also your opinion, correct?

23 A. Yes, of course.

24 Q. And it was the opinion, as far as you know, of
25 all of the leadership of the Union in 2015, of Local

1 556?

2 A. I don't know. I can't speak for all of them.

3 But one would assume so.

4 Q. Okay. So could you, from conversations with
5 Brett Nevarez, tell me whether or not you understood
6 that to be his opinion as well?

7 A. Yes. That was my understanding, yes.

8 (The videotaped testimony of the witness
9 was paused.)

10 MR. HILL: Let the record reflect that
11 what is displayed on the screen right now is trial
12 Exhibit 19.

13 (The videotaped testimony of the witness
14 was resumed.)

15 BY MR. PRYOR:

16 Q. And that's your conversation with Mr. Nevarez?

17 A. Yes, yes.

18 Q. And that is also your understanding of
19 Holcomb's opinion based on your conversations with
20 him?

21 A. Yes.

22 Q. It certainly was the opinion of Ms. Stone, she
23 not only wrote this, but that was also your -- your
24 understanding from her from your dealings with her?

25 A. Yes.

1 Q. Let's go down to the bottom. It says, On a
2 personal note, however, please note that social
3 media issues management investigated and the
4 resulting discipline Southwest Airlines issued did
5 not arise out of something management simply
6 uncovered or stumbled upon.

7 You are not generally monitoring our sites.
8 Instead, these cases come about as our own flight
9 attendants are turning each other in.

10 These latest investigations have been as a
11 result of flight attendant complaints. I am asking
12 that we please consider stopping any back-and-forth
13 fighting on social media.

14 That was your understanding in April of 2015 as
15 to Ms. Stone's opinion in this regard, correct?

16 A. Yes.

17 Q. And that was also your opinion, correct?

18 A. Yes.

19 (The videotaped testimony of the witness
20 was paused.)

21 MR. HILL: Let the record reflect Exhibit
22 21-A is displayed. We are moving to 21-C, I see.

23 (The videotaped testimony of the witness
24 was resumed.)

25

1 BY MR. PRYOR:

2 Q. And then let's look at Exhibit 21-C.

3 A. Yes.

4 Q. You are not on this email, but it is about the
5 additional information. In the subject line, it
6 says you provided Tammy. There are more posts from
7 Brian. I think he's going through all of -- all of
8 his archived files and digging up everything he can.
9 ER is working with the bases and Brian.

10 Did you have any conversations with anyone at
11 Southwest Airlines that would inform that email?

12 A. I'm not aware of.

13 Q. So according to Ms. Emlet, she thinks you are
14 going through all of the archived files, digging
15 things up, and that you are going to be working with
16 the bases, ER is going to be working with the bases
17 and you. That's a fair interpretation of what we
18 are reading here?

19 A. How I'm reading it is they are going to seek
20 further clarification on something that I provided
21 them.

22 Q. ER is "Employee Relations"?

23 A. I believe so.

24 Q. And "Bases" is the management at the various
25 bases? And Brian is you?

1 A. Yes.

2 Q. So --

3 MR. HILL: Let me explain what is going on
4 here as far as the sound. Mr. Talburt's headphones
5 ran out of battery part way through the deposition.
6 And he replaced them with a set of headphones that
7 were extremely poor. We will get back to better
8 sound later, but it is really difficult to hear them
9 a little bit. You can kind of read the transcript.

10 BY MR. McKEEBY:

11 Q. So employee relations, which is part of the
12 management of Southwest Airlines, is going to work
13 with you and the bases about this information that
14 you've been providing, according to this email,
15 right?

16 A. The way that she structured that, that
17 statement, I don't agree with that, it's not that
18 they are working with me, per se. You are making
19 it -- you are portraying it as some grand
20 conspiracy, and it's not that at all.

21 Q. Well --

22 A. I'm going to -- I'm going to assume that if I
23 provided them something, they would ask for
24 clarification.

25 Q. Look at 21-U.

1 (The videotaped testimony of the witness
2 was paused.)

3 MR. HILL: 21-U is being displayed.

4 (The videotaped testimony of the witness
5 was resumed.)

6 BY MR. PRYOR:

7 Q. Can you see 21-U on your screen?

8 A. Yes.

9 Q. And this is an email from you to Mike Sims and
10 Sonya Lacore, correct?

11 A. Yes.

12 Q. And here, do you recall this email? When does
13 it stop?

14 A. Yes.

15 Q. And this is you complaining very heavily about
16 Jeanna Jackson, and the social media policy should
17 be utilized to terminate her?

18 A. Yes.

19 Q. True?

20 A. Yes.

21 Q. Then the exhibit we were previously talking
22 about, 21-U, you acknowledge it was an email you
23 sent to Sonya Lacore, to Mike Sims urging that
24 Mr. Jones be terminated for violation of the
25 Southwest social media policy.

1 You also carbon copied Ms. Stone on that email,
2 correct?

3 A. I don't -- did I?

4 Q. It says president@TWU556. You were --

5 A. I'm not seeing that there. That's why I'm
6 not -- I'm not disputing that, I just don't see it.

7 Q. Do you know who president@TWU556.org would be?

8 A. Yes.

9 Q. Who?

10 A. It would be Audrey Stone.

11 Q. Okay. So you did include Ms. Stone on this
12 email where you were urging that the social media
13 policy be utilized to terminate a union employee?

14 A. Okay.

15 Q. Sorry. Let me share screen.

16 MR. HILL: Let the record reflect that
17 trial Exhibit 27 is now displayed.

18 BY MR. McKEEBY:

19 Q. Do you see Exhibit 27?

20 A. Uh-huh.

21 Q. At the top of this, it says it is Brian Talburt
22 to Audrey Stone, October 13, 2014, correct?

23 A. Yes.

24 Q. By the way, I -- before going into this
25 exhibit, let me go back and ask you about the

1 reports you made in February of 2017 of the numerous
2 individuals that you previously identified.

3 Do you understand what I'm talking about now?

4 A. Yes.

5 Q. And are you aware that Audrey Stone, one or two
6 days in the same time frame that you were sending
7 those individuals who were members of the Union to
8 Southwest Airlines for what you said were social
9 media policy violations, at the same time you were
10 doing that, Audrey Stone made a complaint against
11 Charlene Carter.

12 Are you aware of that?

13 A. I've heard that, yes.

14 Q. Okay.

15 A. But I don't know what the date and time was.

16 Q. Did Ms. Stone talk to you about that before she
17 did it?

18 A. No.

19 Q. So it was just an incredible coincidence that
20 you sent all of these people for investigation that
21 were opposing the Union at the same time that
22 Ms. Stone also reported Ms. Carter for social media
23 policy violations, correct?

24 A. I can't comment on that because I don't know.

25 Q. And this says, To: Brian, From: Trudy and

1 Brett Nevarez, although it says, Love Brett.

2 That might be a joint personal email address
3 for Brett and his wife, is that correct?

4 A. Yes, I think so.

5 Q. And that was not sent on the Union email
6 address for some reason, apparently, right?

7 A. I don't know.

8 Q. You don't know?

9 A. I don't know.

10 Q. It says, leg-breaking time for Casper the ghost
11 scab. Did you tell me earlier that that was one of
12 the nicknames that you had for Mr. Casper?

13 A. It was a term -- that was he was -- how he was
14 frequently referred.

15 Q. Okay. And, apparently by other members of the
16 leadership of Local 556, correct?

17 A. I don't know. Brett would be the only person
18 that I would -- that probably would have used that.

19 Q. So at least one member of the leadership of
20 Local 556 was also referring to -- in addition to
21 yourself was referring to Mr. Casper as the ghost
22 scab, correct?

23 A. Yes.

24 Q. You can speak to Mr. Nevarez, saying,
25 leg-breaking time for Casper, the ghost scab.

1 That's what he wrote to you, correct?

2 A. Yes.

3 Q. Did you turn him in for a violation of the
4 Southwest policy for that?

5 A. I did not.

6 Q. Why not?

7 A. Well, I don't really see a violation of the
8 social media policy. That's, again, a metaphor,
9 leg-breaking time. Clearly, he did not mean he was
10 going to break Mike Casper's leg. He's -- he's
11 referencing old-time union mentality.

12 Q. Did you turn him in for a violation of any
13 Southwest policies? I didn't limit it to social
14 media.

15 A. I'm sorry. No, I did not.

16 Q. Although Rocky Mountain sent it to you,
17 correct?

18 A. It would appear so, yes.

19 Q. At the end, when he said, He is such an ass, do
20 you know who he's referring to?

21 A. Well, if it's -- if it's replying to the
22 comment below, I'm assuming he means Casper.

23 Q. Then -- you then include Audrey Stone in this
24 communication in which Mr. Casper is being referred
25 to as an ass and a ghost scab, correct?

1 A. Okay.

2 Q. Is that a yes?

3 A. Yes.

4 Q. And you say, A couple of things about this
5 thread. Please delete Brett's comment about
6 leg-breaking. Is that what you said?

7 A. Yes.

8 Q. Why are you wanting to delete that?

9 A. To be honest --

10 (The videotaped testimony of the witness
11 was paused.)

12 THE COURT: Mr. Hill, can I ask, we're
13 about 20 minutes overdue for our last break of the
14 day. Do we know how much is left of the video?

15 MR. HILL: I would guess, like, in a --
16 just a few minutes range.

17 THE COURT: Okay. Let's go ahead and try
18 and finish up, and then we will break between
19 witnesses. You can keep playing it.

20 MR. HILL: Scroll a second. Six, 7, 8
21 minutes.

22 THE COURT: Okay. Let's take our break
23 now. And so same instructions as always: You can
24 only talk to your fellow jurors and court personnel;
25 don't talk to anyone about the case; and don't do

1 any research about the case.

2 And we will see you back here in
3 10 minutes, at 4:24.

4 THE COURT SECURITY OFFICER: All rise for
5 the jury.

6 (The jurors exited the courtroom.)

7 THE COURT: Okay. Before we take our
8 break, when we come back and get the jury in, can
9 y'all move to admit 21-C, which is not in yet? It's
10 the only one that hasn't been already been admitted.

11 And then I can ask, Same objections, gibe
12 my ruling to let it in with a limiting instruction,
13 and then we will keep moving.

14 I will keep track of anything that has not
15 been admitted yet. We can do that at the end if
16 there is anything new that comes in.

17 And I forgot, too, to give the disclaimer
18 that when you see words on a transcript, they are
19 not evidence, like the video and the audio are. I
20 will give that disclaimer when they come back in --
21 which is awfully amusing because it is the best
22 thing they have, given that there are some excerpts
23 from the bad headphones.

24 Any questions on that regard?

25 MR. McKEEBY: No.

1 MR. PRYOR: No questions, Your Honor, but
2 I have an issue.

3 THE COURT: Yes.

4 MR. PRYOR: Our next witness, because we
5 cut people, we let counsel know as soon as we did
6 cut them -- is Mr. Schneider, and I don't -- is he
7 here?

8 Never mind, it's not an issue. He is
9 here.

10 THE COURT: Awesome. We will see y'all in
11 eight minutes.

12 MR. McKEEBY: I have an issue.

13 THE COURT: You have an issue?

14 MR. McKEEBY: Well, Ms. Lacore --

15 THE REPORTER: I need you to get to a
16 microphone.

17 MR. McKEEBY: Excuse me. Ms. Lacore,
18 witness Sonya Lacore, is going to be out of town
19 next week, so she will need to be called tomorrow to
20 the extent Carter is -- Ms. Carter and her counsel
21 plan to call her.

22 MR. GILLIAM: We will call her tomorrow.

23 THE COURT: Sounds great. All right. See
24 y'all in seven minutes. Court is in recess.

25

1 (Recess.)

2 THE COURT SECURITY OFFICER: All rise.

3 THE COURT: Anything else before we bring
4 in the jury? We can go ahead and bring in
5 Mr. Schneider and have him walking in while they are
6 walking in. Is that all right?

7 Are you calling Schneider now?

8 MR. McKEEBY: Yes. We already did, Your
9 Honor.

10 THE COURT: Let's do it.

11 THE REPORTER: Don't they have eight more
12 minutes of the video?

13 THE COURT: Oh, I'm sorry, video, eight
14 more minutes. I blanked on that. Do the eight
15 minutes. I'm going to admit 21-C when they are in.
16 We can bring them in. I will admit 21-C over object
17 limiting, give the disclaimer on transcript, and
18 then we will do that.

19 And then we will bring in Schneider. How
20 about that? And if someone wants to go out into the
21 hall to bring in Schneider. I just want to minimize
22 the dead time so we have as much time for y'all as
23 we can.

24 Does that make sense?

25 MR. McKEEBY: Thank you, Your Honor.

1 MR. PRYOR: Thanks.

2 MR. GREENFIELD: You guys got that joint
3 email out to the -- as the witness has gone out on
4 behalf of the parties.

5 THE COURT: Thank you. I appreciate that.

6 MR. HILL: Hunting on his way.

7 THE COURT: Hunting, okay. Happy Hunting.

8 (Discussion off the record.)

9 (The jurors entered the courtroom.)

10 THE COURT: Thank you. Y'all can be
11 seated.

12 Okay. Mr. Hill, are y'all moving to admit
13 21-C?

14 MR. HILL: We are indeed.

15 THE COURT: Okay. And same objections.

16 So I will overrule the objections, admit
17 21-C, which is the only exhibit you have seen on the
18 video that was not already admitted, with the same
19 instruction I gave on all the other subparts of 21,
20 which is it is for use against the Union's claims
21 but not for use against Southwest's claims.

22 I also need to give you a disclaimer I
23 think I should have done before we played the video
24 the first time.

25 The disclaimer is, the evidence you are

1 getting from this video deposition is the audio, and
2 the video that you are seeing.

3 We put the words of the transcript on the
4 bottom as a helpful aid to you, but if you hear
5 something different than the words you see on the
6 transcript, you are supposed to trust what you see
7 on the video and what you hear with your ears.

8 Just like I told you with notes, right,
9 the notes can't override what you see and what you
10 hear. The same disclaimer there.

11 With that, you can keep playing our last
12 eight minutes, Mr. Hill, thank you.

13 (The referred-to document was admitted in
14 Evidence as Trial Exhibit 21-C.)

15 (The videotaped testimony of the witness
16 was resumed.)

17 BY MR. PRYOR:

18 Q. To the present?

19 A. Yes.

20 Q. And then it says, Also, this was a private
21 email between Mike and I?

22 Who is "Mike"?

23 A. I don't know.

24 Q. I take this step very seriously, and would hate
25 to breach a confidence he obviously had in me based

1 on a long-time relationship we have developed.

2 You are talking about a Mike and a member of
3 the management of Southwest Airlines, correct?

4 A. To be honest, I don't know.

5 Q. Well, if you look further down, don't you refer
6 to exactly that? Is that -- you are saying you
7 don't recall who "Mike" is.

8 Tell us the name of anyone in Southwest
9 management that you had a -- let's see how you
10 describe it -- a long-term relationship. Name all
11 the Mikes in management at Southwest that you had a
12 long-term relationship with.

13 A. That would be Mike Hafner, would be the only
14 one that would be.

15 Q. So it says, This is just an illustration of the
16 types of conversations I had with senior Southwest
17 management, re: deal with problem people, and in
18 this case, specifically Hafner and Casper.

19 That's what you wrote, right?

20 A. Yes.

21 Q. So you've been talking to senior management
22 about targeting people such as, specifically, Hafner
23 and Casper using social media, right?

24 A. I'm sorry, "targeting" -- "targeting" them on
25 social media?

1 Q. Well, you can take away the word "targeted."
2 But we are talking about dealing -- let's -- what
3 word you used -- problem dealing with problem
4 people.

5 You were talking with senior members of
6 management at Southwest Airlines about dealing with
7 people such as Hafner and Casper by use of the
8 social media policy, correct?

9 A. Yes.

10 Q. That would include Mr. Hafner, correct?

11 A. Yes.

12 Q. That would include Ms. Lacour, correct?

13 A. Yes.

14 Q. That would include Naomi Hudson?

15 A. Yes.

16 Q. And did any of those people report up for any
17 violation of any Southwest policy as a result of
18 those communications?

19 A. I don't know. Not to my knowledge.

20 Q. And when it says the Rocky Mountain email, that
21 is Mike's personal email, does that now tell you who
22 Rocky Mountain is?

23 A. Yes.

24 Q. That's Mike Hafner, correct?

25 A. Yes.

1 Q. And Mike Hafner is the one that wrote, He is
2 such an ass, referring to Casper, the ghost scab,
3 correct?

4 A. Yes.

5 Q. Let me show you Trial Exhibit 29.

6 And the front cover of the center of that
7 picture is Ms. Stone, correct?

8 A. Yes.

9 Q. Who are the other people, if you know?

10 A. From left, Cuyler Thompson.

11 Q. Oh, right here is Mr. Thompson?

12 A. Yes.

13 Q. And who is this?

14 A. John Parrott. Sam Wilkins. Crystal Revenge,
15 Todd Gain, Brett Nevarez.

16 Q. And then are you able to see these posts here?

17 A. Yes.

18 Q. And it says, Click is getting agitated. I
19 think he may have private messaged in his way into
20 big troubles for himself.

21 And then two posts down, you say, We can only
22 hope.

23 And then someone says, Go to Click's screen
24 shots and save them or screen shot this posts.

25 Do you recall this?

1 A. I -- I don't recall it, but obviously it
2 happened.

3 Q. And this is another effort to use social media
4 to target a union member that didn't agree with your
5 current membership or current leadership?

6 A. It would appear so.

7 Q. When you say "it would appear so," is that a
8 yes?

9 A. It means it appears so. I have no recollection
10 of it, but it's on the screen and the names are
11 there, so I'm assuming it's accurate.

12 Q. Okay. You are not denying that you wrote that
13 and that's the way that you recall that and that's
14 the import of what you're reading?

15 A. Yes.

16 Q. Let me go to 60, trial Exhibit 60.

17 This is a document authored by Audrey Stone to
18 Suzanne, Suzanne Stephenson, Naomi Hudson, Sonya
19 Lacore.

20 Have you ever seen this document before? Take
21 your time with it, if you want.

22 I can tell you that that's the email in which
23 Ms. Stone complained of Ms. Carter.

24 A. No, I have never seen it.

25 Q. Okay. You can, however, that on this email,

1 it's sent to Naomi Hudson, correct?

2 A. Yes.

3 Q. And that's one of the people that you've
4 identified that you were talking with this senior
5 management at Southwest Airlines about using the
6 social media policy to deal with problem employees,
7 correct?

8 I've used the exact language I asked you
9 before, sir. Are you going to change it or are you
10 going to agree?

11 A. I guess I'll agree.

12 Q. Okay. And then the same question as to Sonya
13 Lacore, correct?

14 A. Yes.

15 Q. Here's another one. February 22nd, 2017.

16 By the way, that's the same day that Audrey
17 Stone made her complaint against Ms. Carter, the
18 very day? Do you recall whether we looked at that?

19 A. Yes.

20 Q. So -- and so -- and that's just a coincidence
21 as well, right?

22 A. I -- I don't know anything about it. I don't
23 know.

24 Q. Okay. The trial Exhibit 71, again, you are
25 forwarding various posts on social media against

1 some the individuals -- are involving the
2 individuals that you turned in that you thought were
3 violating Southwest Airlines's social media policy,
4 correct?

5 A. Okay.

6 Q. Yes?

7 A. Yes.

8 Q. Okay. And then 72 is more of the same. Again,
9 on February 22nd, 2017?

10 MR. HILL: Now displaying Exhibit 72. I'm
11 not going to -- probably going to stop and announce
12 it, if it actually -- if Mr. Pryor's question says,
13 Here is 71, here is 72 -- unless you tell me
14 otherwise, Judge.

15 THE COURT: That is a fine protocol.

16 MR. HILL: Great.

17 THE WITNESS: I don't have any
18 recollection of it, but apparently so.

19 BY MR. PRYOR:

20 Q. You don't dispute that this was from you and
21 that you sent it to Southwest Airlines management
22 and that it had these posts to it? It's consistent,
23 certainly, with your recollection that you were
24 turning in people you thought were spreading
25 misinformation, correct?

1 A. Yes.

2 Q. All right. So you believe that you sent
3 Exhibit 72, even though you don't recall the
4 specifics right now?

5 A. Yes.

6 Q. Okay. That's -- I think that covers the ones
7 that you did. I'm going to have you identify a few
8 more documents, and then we'll stop and wrap this up
9 for you.

10 Hold on. I don't think I have any more
11 questions about these documents, I just want to make
12 sure you identify them.

13 This is Exhibit 21-M and this is Brian to Mike
14 Sims. Here is the latest attempt. Having
15 surrogates contact people to send this email to on
16 her behalf. Funny, I didn't realize how much she
17 loved Tom. And then you go on.

18 But some -- but sweet how wonderful everything
19 was and how wonderful our corrupt union was before
20 Audrey.

21 This is a communication in which you sent this
22 email to Mike Sims regarding Jeanna Jackson in the
23 email below, correct?

24 A. Yes.

25 Q. And let's look at Exhibit 21-P.

1 This is from you, and I'm not sure who-all it's
2 to, but certainly its -- it includes Audrey Stone.

3 Do you recall being careful, Julie. As a
4 follow-up to our conversation yesterday, I am
5 including the following recent posts. A further
6 example of the public encouragement and endorsement
7 of retaliatory practices that Jeanna Jackson and
8 company.

9 So this is February 23rd, 2017, one day after
10 Ms. Stone made her complaint against Ms. Carter,
11 you're sending this to Julie at Southwest Airlines
12 management, correct?

13 A. I sent that email on that date, yes.

14 Q. And you sent it to Julie?

15 A. Yes.

16 Q. I know its blacked out, but it's clearly
17 talking about Julie O'Grady.

18 A. Okay.

19 Q. You think so?

20 A. Yes.

21 Q. And then you attach what you're referring to in
22 the email, correct?

23 A. Yes.

24 Q. Okay. Just a few more.

25 One, two, about five more.

1 Okay. This is to Brian from Debra. And below
2 that?

3 (The videotaped testimony of the witness
4 was paused.)

5 MR. HILL: 21-Q is now displayed on the
6 scene.

7 (The videotaped testimony of the witness
8 was resumed.)

9 BY MR. PRYOR:

10 Q. This is one from Debra to you saying, thank you
11 for sending these to us, Brian. Wow, its very
12 difficult to interpret the rest, but she
13 acknowledges that you sent the information, correct?

14 A. Yes.

15 Q. And your -- you may not remember this
16 specifically, but you're not denying that this was
17 the email that you received from her, correct?

18 A. I am not denying it, no.

19 Q. You think it is, right? You have no reason to
20 dispute it?

21 A. Correct.

22 Q. Okay. Let's look at 21-R.

23 Okay. This is a much longer email. And I'm
24 not going to go through it with you.

25 (The videotaped testimony of the witness

1 was paused.)

2 MR. HILL: Because you couldn't hear Mr.
3 Pryor, that is 21-R that is not displayed on the
4 screen.

5 (The videotaped testimony of the witness
6 was resumed.)

7 BY MR. PRYOR:

8 Q. I'm not going to go through it with you, but
9 what I would like you to do, that and your welcome
10 to read it.

11 This is as an email that you just we did before
12 that you sent to Julie on February 26th, 2017 and
13 carbon copied Audrey Stone. And I will just go as
14 slow as you want me to.

15 Do you agree with that statement?

16 A. Yes.

17 Q. Let's go to -- I just have one more. I have T,
18 21-T. And, again, this is an email that you sent on
19 March 1, 2017, and included Audrey Stone on, and it
20 just says, folks -- so I, I can't represent to you
21 who it went to, unless you can recall.

22 But do you agree that you did send this to
23 email to Ms. Stone? And if you recall who else,
24 please tell us.

25 A. Yes.

1 Q. Do you recall who "folks" are?

2 A. No.

3 Q. Okay. Let's look at 21-U.

4 That is the email May 15th, from you to -- it
5 looks like Mike. Well, you tell me, is that Mike
6 Sims or is that Mike Hafner?

7 A. Mike Sims.

8 Q. Did you send this email marked Trial Exhibit
9 21-U to Mr. Sims and then you received the thank-you
10 Brian response from Mr. Sims?

11 A. Yes.

12 Q. And he says, he will, presumably that we will
13 review your concerns? Do you see that?

14 A. Yes.

15 Q. All right.

16 Let's identify 21-V. And this is an email that
17 you sent on July 2nd, 2017 to Mike and Julie and
18 carbon copied Audrey Stone, correct? Correct?

19 A. Yes.

20 Q. And then this is the last one.

21 And by the way, "Mike" is Mike Sims, and Julie
22 is Julie O'Grady?

23 A. Yes.

24 Q. And I could be wrong, but I think this is the
25 last one. Trial Exhibit 21-W. This is an email

1 string from you to Audrey Stone that includes the
2 emails between you and it says, Why in the hell did
3 I not find the targeted assassination comments three
4 years ago when it would have been useful?

5 Do you see that?

6 A. Yes.

7 Q. Do you recall what you were talking about?

8 A. I'm assuming somebody used that -- I -- I -- I
9 don't know. I can only guess, speculate. I don't
10 know.

11 Q. All right.

12 You can identify 21-W as an email that, that
13 you sent to Ms. Stone?

14 A. Yes.

15 Q. Now --

16 A. I'm assuming it's referencing one of my
17 termination cases where I was looking for evidence
18 of similar behavior.

19 Q. Yes. Were you referring to when you used
20 "targeted assassinations" in your communication with
21 Ms. Lacore?

22 A. No.

23 Q. You wish you had found that?

24 (The videotaped testimony of the witness
25 was concluded.)

1 MR. PRYOR: That was almost a videotape
2 deposition.

3 Your Honor, that is the end of the offer,
4 I think. There are exhibits we need to offer.

5 THE COURT: So I clocked exhibits 71, 72
6 and 21-M as potential exhibits we need to address
7 that were referenced that came up in the transcript
8 that are not in evidence.

9 MR. PRYOR: We offer them at this time.

10 THE COURT: Okay. So, Counsel, let's look
11 at 71, 72 and 21-M. We have talked about all of
12 those in a morning context.

13 Is there anything else you want to add to
14 what you have said to those three exhibits from our
15 morning sessions?

16 MR. GREENFIELD: No, your Honor.

17 THE COURT: Anything from Southwest?

18 MR. McKEEBY: Can I just have one second
19 to look at it?

20 THE COURT: You may.

21 MR. McKEEBY: Seventy-one, we have no
22 objection.

23 THE COURT: Okay.

24 MR. McKEEBY: Seventy-two, no objection.

25 And 21-M, I think, is the limiting

1 instruction.

2 THE COURT: Understood. And I have in my
3 notes I'm going to put the same limiting on all
4 three.

5 MR. McKEEBY: Okay.

6 THE COURT: Okay. So what I will do is,
7 I'll overrule the objections we talked about before
8 y'all came in the room. And then I'm going to give
9 the same limiting instruction, as with all of the 21
10 exhibits, these are for use in the claims against
11 the Union, not for use in the claims against
12 Southwest. So they are all admitted; after the
13 fact, published.

14 MR. HILL: Your Honor, just to make sure
15 that I don't miss submitting something for
16 admission, let me tell you the ones that I also show
17 as being introduced.

18 THE COURT: Okay.

19 MR. HILL: But I think maybe are already
20 on the list. But if they are not, I want to
21 introduce them.

22 THE COURT: Okay. Please say them.

23 MR. HILL: 21-U. 21-P -- these are all
24 21s, until I say otherwise -- Q, R, T, U, V, W.

25 Okay. So V is already in. W is not in.

1 And W was referenced in the --

2 MR. HILL: It was.

3 THE COURT: Okay. U is in. V is in. T
4 is in. So we need to talk about W.

5 So you are moving for the admission of
6 21-W.

7 Any difference from the other 21
8 objections from Southwest to the Union?

9 MR. McKEEBY: No, no difference.

10 THE COURT: Okay. So the same ruling on
11 21-W. It is in. It is for use in the claims
12 against the Union, not in the claims against
13 Southwest.

14 (The referred-to documents were admitted
15 in Evidence as Trial Exhibits 71, 72, 21-M, and
16 21-W.)

17 With that, call your next witness. Let's
18 see what we can squeeze in.

19 MR. PRYOR: Ed Schneider, your Honor.

20 THE COURT: You may do so.

21 (The witness entered the courtroom.)

22 THE COURT: Mr. Schneider, come on down,
23 and you may approach the witness box.

24 I'm sorry it is so late in the day, but we
25 want to utilize the rest of our time to hear what

1 you have to say.

2 So you can approach, but before you make
3 yourself comfortable, can you raise your right hand?
4 And Mr. Frye is going to give you the oath.

5 (EDWARD SCHNEIDER was duly sworn by the
6 Clerk.)

7 THE COURT: Now you can make yourself
8 comfortable. It's a tight box, you can't really get
9 comfortable.

10 And I'm just going to ask for y'all to
11 have separation between questions and answers so we
12 can keep a clean record.

13 You can proceed.

14 DIRECT EXAMINATION

15 BY MR. PRYOR:

16 Q. Will you state your name, sir?

17 A. Edward Schneider.

18 Q. Mr. Schneider, we have never met before,
19 correct?

20 A. Correct.

21 Q. My name is Bobby Pryor. I represent Charlene
22 Carter.

23 Do you recognize her in the courtroom?

24 A. I do.

25 Q. And how are you employed?

1 A. I work for Southwest Airlines.

2 Q. What do you do for Southwest Airlines?

3 A. I'm the manager of the Denver in-flight base.

4 Q. Can you tell us what protected union activity
5 is?

6 A. Freedom of speech --

7 MR. McKEEBY: Objection, calls for legal
8 conclusion.

9 THE COURT: I will allow him to answer,
10 only if he has personal knowledge.

11 THE WITNESS: I don't have personal
12 knowledge of it. I just know --

13 BY MR. PRYOR:

14 Q. What is your understanding of what protected
15 union activity list?

16 MR. McKEEBY: Same objection.

17 THE COURT: I will overrule it and let him
18 answer.

19 THE WITNESS: They are allowed to have
20 speech towards the union, possibly, that --

21 BY MR. PRYOR:

22 Q. Possibly what?

23 A. That is all I know. That is all I know.

24 Q. All you know is that they are allowed to have
25 speech that possibly? Is that your answer?

1 A. No. That they can show their opinions.

2 Q. Okay. And when you say it is -- that is
3 protected speech, what do you mean?

4 A. I don't know the definition of that.

5 Q. You don't know what you mean?

6 A. I'm sorry. You're going to have to rephrase.

7 Q. I asked what you meant when you said, Speech
8 toward the union.

9 A. I know that when they have disputes or
10 disagree, they are allowed to say those things to
11 union.

12 Q. And what are "those things"? Their
13 disagreements?

14 A. Yes.

15 Q. So they are allowed to express disagreements
16 with each other.

17 And when you say "allowed," what does that
18 mean? In regard to the Southwest policy they are
19 allowed?

20 A. I don't know what it would pertain to.

21 Q. So you don't know if a union person is engaging
22 in that protected speech you talked about, how that
23 relates to Southwest policy, true?

24 A. I'm saying I don't know the details.

25 Q. Okay. Well, tell us what you do know. I

1 didn't ask about details. I asked what you know.

2 MR. McKEEBY: Objection, argumentative.

3 THE COURT: I will let him answer.

4 THE WITNESS: As I stated, if they
5 disagree with something to do with the Union, they
6 can share their disagreement. That is as much as I
7 know about it.

8 BY MR. PRYOR:

9 Q. That wasn't what I asked you, you already
10 answered that question.

11 I'm asking you how that relates to the
12 Southwest policy? Southwest has policies, the Union
13 has protective activities.

14 Do you know anything about the relationship
15 between those two?

16 A. The Union and the company is completely
17 separate.

18 Q. And what about if I'm a union member and I want
19 to send a strong objection to my union president,
20 and I do that, and then the Union president
21 complains to Southwest Airlines, does that violate
22 Southwest policy?

23 A. It depends on what it is.

24 Q. Okay. So it is not --

25 THE COURT: There was an objection, so let

1 me hear that.

2 MR. McKEEBY: Objection, no predicate,
3 foundation. I don't know what the question meant.

4 MR. PRYOR: He seemed to.

5 THE COURT: I will allow it to stand.

6 BY MR. PRYOR:

7 Q. All right.

8 So you have no guidance from Southwest Airlines
9 in your position as to the relationship between
10 protected speech involving the Union and Southwest
11 Airlines's policies, true?

12 A. It depends on what it is.

13 Q. I'm asking about the direction you received
14 from Southwest Airlines to explain to you about
15 union-protected activity as it relates to Southwest
16 policies.

17 Have you received any training on that?

18 A. I would have to look at them on an individual
19 basis and make a determination.

20 Q. I'm going to ask you focus on my question.

21 Are you ready for it?

22 A. Is that a question? Yes. I'm ready for it.

23 Q. Okay. Have you received any training -- you
24 got that part of the question?

25 A. I do.

1 Q. Any training about what union-protected
2 activity is and how that would relate to Southwest
3 Airlines' policies?

4 A. The only training we get is through experience
5 of seeing certain things happen, and be able to tell
6 one way or the other. But it -- like I stated, it
7 would depend on what the issue at hand was. And I
8 can't answer the question without knowing
9 specifically --

10 Q. I'm not asking you about specifics. I was
11 asking you about your training, sir. We will be
12 getting into specifics.

13 So the training you have is your experience.
14 Tell us about your experience.

15 A. What experience are you indicating? At
16 Southwest Airlines? My experience working for the
17 company? Or what?

18 Q. The experience you just testified about. You
19 said -- I said, What training have you had about
20 union-protected activity and Southwest policies and
21 how those interact.

22 And you said, No training, experience.
23 Tell me about your experience.

24 A. I have worked for the company for 20 -- almost
25 28 years, and I have been a leader in this company

1 since 2004.

2 Q. I haven't heard anything about your experience
3 with understanding what protected-union activity and
4 Southwest policies. That is my question.

5 A. Once again, if it was something that happened,
6 I cannot give you generalizations if I have been
7 trained specifically on something unless I know what
8 you are talking about.

9 Q. So you don't even know enough about these two
10 subject matters to know if you have had training on
11 it, true?

12 A. I don't know the answer to that.

13 Q. Tell me what protected religious activity is.
14 Surely they trained you on that.

15 A. Protected religious is speech that reflects on
16 religion in the workplace.

17 Q. And what training have you received from
18 Southwest Airlines in regard to how to handle
19 someone that is claiming they have religious beliefs
20 that are interacting with Southwest policy?

21 A. We go through required training once a year on
22 different aspects involving that. And we go through
23 scenarios, similar to those.

24 Q. Give us one example.

25 A. Of?

1 Q. You just told me you get yearly training on
2 this and they give you examples.

3 Give us one.

4 A. So if somebody is offended by something and
5 they bring it to us, the protocol for what we are
6 supposed to do with that.

7 Q. You do what?

8 A. What the protocol would be on how we are
9 supposed to handle that.

10 Q. What is the protocol?

11 A. We have a department called Employee Relations
12 that handles those type of issues.

13 Q. Okay.

14 A. And I would work with them, if it were
15 something that was involving that.

16 Q. At any time, to your knowledge, has Employee
17 Relations or you, yourself, in your 28-years,
18 offered a religious accommodation without it being
19 specifically asked for?

20 A. I have not.

21 Q. Do you know, of all your involvement in
22 28 years with employee relations, has that been
23 done?

24 A. I don't, sir.

25 Q. You can't recall any, true?

1 A. I can't recall a certain instance of it.

2 Q. You can?

3 Tell us about it.

4 A. I said I can't recall a certain instance of
5 that happening.

6 Q. Okay. Did you consider that Charlene Carter
7 was engaged in protected union activity as part of
8 your investigation?

9 A. I know that Charlene Carter was speaking to the
10 Union or sending messages to union members
11 indicating that she was not happy with them.

12 Q. Did you believe she was engaging in
13 protected-union activity?

14 MR. McKEEBY: Same objection about calling
15 for a legal conclusion.

16 MR. PRYOR: It is his belief.

17 THE COURT: He can answer if he has
18 personal knowledge.

19 THE WITNESS: I don't have personal
20 knowledge of that.

21 BY MR. PRYOR:

22 Q. I'm asking about your belief. You have
23 personal knowledge of your belief about protected
24 activity of the Union?

25 MR. McKEEBY: Same objection, your Honor.

1 He's asking for a legal conclusion of a lay witness
2 as to what is protected and --

3 MR. PRYOR: If we are having speaking --

4 THE COURT: I will let him answer, if he
5 has personal knowledge.

6 MR. McKEEBY: He has already testified he
7 does not.

8 MR. PRYOR: This -- no. He's testified he
9 had a belief. And he testified he believed he knew
10 what --

11 THE COURT: I will let him answer this
12 question, if he has personal knowledge.

13 BY MR. PRYOR:

14 Q. So when you -- you were in charge of the
15 investigation of Ms. Carter, correct?

16 A. Yes.

17 Q. Did you believe she was engaged in any union
18 protected activity?

19 A. There was a history of her sharing her opinions
20 to the Union.

21 Q. Did you believe those communications were
22 protected?

23 A. To me, they seemed harassing, to some extent.
24 But it could be -- it is just the history there is
25 all I reflected on. I didn't use that as any reason

1 to make a decision in that case.

2 Q. Have you read your notes before you prepared
3 the termination letter?

4 A. I did.

5 Q. And you are telling me you didn't consider
6 those communications as part of your decision to
7 terminate her?

8 A. I stated that I didn't consider whether that
9 was free -- speech -- protected speech or not.

10 Q. Oh, no, I'm totally agreeing. You didn't think
11 of it as protected speech, you just thought of it as
12 harassing, true?

13 A. I thought of it as her disagreeing with the
14 Union several times.

15 Q. I thought you said it was harassing?

16 A. They seemed to be in nature.

17 Q. You considered those communications in your
18 decision to terminate, but did not consider those
19 decisions protected union activity, true?

20 A. I can't say that.

21 Q. Okay. What can you say? So you did think it
22 was protected activity. I thought you told us it
23 wasn't?

24 A. I'm not sure what you are asking.

25 Q. Her communications that you looked at, that you

1 considered in your termination, you did that, right?

2 A. I didn't necessarily consider her statements
3 that she made to the Union in my decision. Her
4 termination was for what she posted on Facebook and
5 the messages that she sent to a Southwest employee,
6 the pictures and videos of the aborted baby.

7 Q. Again, we will be able to look at some
8 documents tomorrow, but I want to make sure we
9 remember what you just told us.

10 You did not consider anything for her
11 termination except the abortion videos and the
12 vagina hat pictures, would that be fair?

13 MR. McKEEBY: Objection.

14 THE WITNESS: No, it's not.

15 MR. McKEEBY: What else -- what else was
16 there.

17 THE COURT: He asked a question at the
18 end, and I will let him answer he question.

19 BY MR. PRYOR:

20 Q. What else was there? You just told us pictures
21 and video.

22 What else was there?

23 A. She was terminated for the bullying/hazing
24 policy and the social media policy.

25 Q. Okay. And what did you consider for that? I

1 thought you told me it was the videos and the
2 pictures; it wasn't these maybe harassing union
3 comments.

4 Was it the Union harassing comments, too?

5 A. It was for the -- she crossed the line when she
6 posted those videos, and pictures, and she sent them
7 to a Southwest employee. That is what I was trying
8 to say. And that is what I used as my basis for her
9 termination.

10 The comments and statements that she made to
11 the Union, just showed a history of her having a --
12 that motivation to send things to the Union.

13 Q. So you considered those three things for
14 terminating Ms. Carter, what you considered to be
15 the harassing communications with the Union -- what
16 do you want to call it?

17 A. All I'm saying is, that for -- for
18 bullying/hazing, there was a history of her having
19 disputes with the Union. And the crossing line was
20 the videos and the pictures of the aborted baby.

21 Q. Were the written communications where she was
22 complaining about her union, that you went back
23 years to look at, were those -- did you consider any
24 of those to be bullying?

25 MR. GREENFIELD: Objection, your Honor,

1 asked and answered at least a few times at this
2 point.

3 THE COURT: I will allow this one.

4 THE WITNESS: Only as a history, that was
5 it.

6 BY MR. PRYOR:

7 Q. So it was not a violation of Southwest policy?

8 A. The history that she had with the Union.

9 Q. The history with the Union, was it a violation
10 of any Southwest policy?

11 A. Not on its own merits, no.

12 Q. Well, what other merits would it be?

13 A. The history of it would be pictures and videos
14 and Facebook posts, and the private message to
15 another Southwest employee.

16 Q. Without the sending of the video to Audrey
17 Stone of the abortion and the pictures of the vagina
18 hats and her posts on her personal Facebook page --
19 her posts on her personal Facebook page, without
20 those three things, she would not have been found in
21 violation of any Southwest policy, true?

22 A. Most likely.

23 Q. What is most likely? What are we missing?

24 A. Because I used everything that was given to me.
25 These things were sent to me; I didn't ask for them.

1 They were offered to me as factual things that
2 happened in the past, and I considered everything
3 that was given to me.

4 The one thing, the egregious thing that she
5 did, though, was sending the pictures and the
6 videos.

7 Q. I just -- if you are not done, go ahead.

8 A. And posting on Facebook.

9 Q. I'm comfortable with whatever answer you give
10 me, but I am not comfortable with you having it both
11 ways.

12 Was it the videos, the pictures --

13 MR. McKEEBY: Objection.

14 THE COURT: Sustained. You can ask your
15 question.

16 I will strike it.

17 You can ask your question now.

18 BY MR. PRYOR:

19 Q. The video, the picture, and the Facebook posts,
20 were those the basis of the termination? Or was it
21 also the -- what you called the harassing
22 communications with the Union? Was it all of that
23 or was it just some of it?

24 MR. McKEEBY: Objection, asked and
25 answered.

1 THE COURT: I will allow him to answer
2 this.

3 THE WITNESS: It was the posted pictures
4 on the Facebook page, the videos, the private
5 message sent to an employee, and the bullying and
6 hazing policy.

7 Also, the part of it was the nexus to the
8 workplace, where she was identifiable on Facebook as
9 a Southwest employee when she did these things.

10 BY MR. PRYOR:

11 Q. The bullying, what you said about the bullying,
12 was that the communications with the union that you
13 thought were a little too harsh?

14 A. It was the videos and pictures of the aborted
15 baby being posted on Facebook and being sent as a
16 private message. That is what I'm trying to portray
17 here.

18 Q. Okay. What I'm not hearing is the -- it may
19 have provided you background, but the communications
20 with the Union that you thought might have gone over
21 the top, other than the -- what you have just
22 mentioned, were not part of your termination
23 decision?

24 A. I never said that the video -- or the
25 communication was over the top. I just said that

1 that was history between her and the Union.

2 Q. But that wasn't part of your termination
3 decision? Those weren't factoring into your
4 termination decision?

5 MR. McKEEBY: Objection, asked and
6 answered.

7 THE COURT: I will let you answer it one
8 last time.

9 MR. PRYOR: I'm sorry. I still haven't
10 gotten it. It is just me.

11 MR. McKEEBY: He's answered.

12 BY MR. PRYOR:

13 Q. Go ahead.

14 A. It was the history, I was sent all of this
15 information. I considered the extent of the
16 information in my decision making.

17 The thing that crossed line, though, was the
18 videos and pictures posted and sent in private
19 message, and the other pictures of genitalia and
20 things.

21 Q. Did you consider the abortion video Facebook
22 message that was sent to be protected religious
23 activity?

24 MR. McKEEBY: Object to the form again.

25

1 BY MR. PRYOR

2 Q. From your belief?

3 MR. McKEEBY: It is calling for a legal
4 conclusion.

5 MR. PRYOR: He was the decision maker.

6 THE COURT: I will allow him to answer, if
7 he has personal knowledge.

8 BY MR. PRYOR:

9 Q. My question is, did you consider whether or not
10 this was protected religious activity?

11 How about that? Did you even consider that?

12 MR. McKEEBY: Same objection.

13 THE COURT: I will allow it.

14 THE WITNESS: It was all part of my
15 investigation. I looked at all of the information
16 that was given to me, and I considered every aspect
17 of it.

18 And the conclusion that I came to was
19 based on, overall, the video, the pictures, that
20 were posted and sent in private message.

21 I don't know any other way to say it to
22 you.

23 Q. I'm going to object to the responsiveness and I
24 just ask you to focus on my question.

25 A. Okay.

1 Q. Did you consider the speech or the
2 communication, that Facebook communication with the
3 abortion, the communication and the abortion video,
4 to be religious activity at all?

5 A. I pictured it -- I mean, I decided on it
6 because of the egregiousness of it. Whether it was
7 religious or not, it was the egregious act of
8 sending it to somebody, posting it on Facebook,
9 while being depicted as a Southwest employee.

10 Q. It is he whether or not. Did you consider it
11 to be religious activity?

12 A. I didn't consider it to any extent to be
13 religious activity.

14 Q. Okay. And then what about the union activity,
15 did you consider that Facebook post to be union
16 activity at all? Was that part of your
17 consideration?

18 MR. McKEEBY: Objection, asked and
19 answered. Again, calling for a legal conclusion.

20 THE COURT: He split this one out, so I
21 will ask the witness to answer.

22 THE WITNESS: Can you say that one more
23 time?

24 BY MR. PRYOR:

25 Q. Yes. You already told us you didn't consider

1 it religious.

2 Now I'm asking you, did you consider that
3 Facebook post to be part of her union activity?

4 A. I considered it to be her opinion on abortion.

5 MR. PRYOR: Object to responsiveness. I
6 didn't ask you about that.

7 BY MR. PRYOR:

8 Q. Did you consider, as part of your termination
9 decision, whether or not that Facebook message post
10 was part of her union activity?

11 A. No, I did not.

12 MR. PRYOR: All right. This is a good
13 place to break for the day, unless you would just
14 like to go on.

15 THE COURT: I think it is. Thank you for
16 pointing that out.

17 So the same instructions as always: You
18 can always talk to your fellows jurors and court
19 personnel, just not about the case. You can't talk
20 to anyone else. And please don't do any research
21 about the case.

22 We will see y'all at 8:45 tomorrow to
23 start at 9:00. Thank you for patience today.

24 All rise for the jury.

25 (The jurors exited the courtroom.)

1 THE COURT: Okay.

2 And, Mr. Schneider, you are what we call a
3 hold-over witness. So that means you can leave the
4 stand and the courthouse, but you can't talk to
5 anyone about the case until your testimony is over.

6 Understood?

7 THE WITNESS: Yes.

8 THE COURT: Okay. Thank you for coming
9 here today. Sorry about you being a hold-over
10 witness. I know it is an inconvenience.

11 Okay. After he leaves, I will ask if
12 y'all if anything else we should talk about.

13 (The witness exited the courtroom.)

14 MR. PRYOR: I hope the Court recalls that
15 when we had that conference and you suggested that
16 maybe I should move on to another line of
17 questioning, that I did.

18 THE COURT: I do. And what I will say is,
19 I have crunched some math this afternoon. I'm
20 feeling charitable after seeing the faster cutdown
21 Talburt depo and you are going to punch more
22 quickly.

23 So now let me just lay all my cards out
24 here with y'all. So the trial I had going next
25 week, I pushed to August. I'm supposed to fly out

1 on a Southwest plane on Thursday -- don't hold up
2 the flight or do anything with the flight, I'm a
3 normal passenger -- to a conference in Utah.

4 I had originally hoped the jury could get
5 this case early on Wednesday. But I think what I
6 can do is phone a friend for a favor and see if
7 another judge can cover jury notes, or deliberation
8 and taking a verdict.

9 And the jury gets the case at the end of
10 the day Wednesday. That frees up more time on
11 Wednesday for us to finish the evidence, have a
12 formal charge conference, read the jury charge,
13 close, close.

14 With that, I have come up with a bucket of
15 six hours. I am begrudgingly giving three to you
16 and reserving back, if the need arises, giving an
17 hour and a half to each of you because of prolonging
18 their presentation, if that makes sense. I'm giving
19 it to you more out of a charitable gift, than
20 anything else.

21 MR. PRYOR: I am turning cartwheels in
22 head. We will make good use of that time. Thank
23 you, Your Honor.

24 THE COURT: I appreciate that. I don't
25 know which judge would cover yet. I need to start

1 making those requests, and I will start doing that
2 now. All of the judges in the courthouse are
3 smarter than me, so I promise it will be an upgrade.

4 But I will still be available by phone --
5 as long as I'm not in the air, I will be available
6 by phone. And my clerks have worked on this case.

7 The biggest thing I fear is a jury note
8 about the jury charge, right, and a new judge comes
9 in. That is a scenario I would like to avoid. But
10 I'm not, you know, out of cell range, and so I will
11 still be available.

12 So all that to say, yeah, I think that
13 is -- I think that is what I can do move some things
14 around.

15 I do need y'all's commitment to help me
16 keep trains on time. And we were doing a pretty
17 good job today, but there were sometimes a 10-minute
18 break became a 15. To the extent we can keep them
19 all, that is where my math lines up.

20 If we start taking 15, 20-minute breaks
21 then that -- the math just doesn't work out anymore.
22 there.

23 So it is a mutual agreement to have me
24 keep trains on time with y'all, and then me give
25 y'all all of the time we can possibly squeeze in.

1 Make sense?

2 So I'm not giving you your hour and a half
3 yet, but I'm holding it in reserve. It is like the
4 helicopters with a use in war fuel reserve. All
5 right? If we need to get there, we will do it.

6 MR. McKEEBY: But you are giving him three
7 hours?

8 THE COURT: I'm giving him three hours.
9 And I'm holding back, out of the additional time I'm
10 giving, an hour and a half that I can give y'all if
11 the need arises, because his presentation is now
12 longer. And equitably, yours should be too.

13 I hope you won't need it, but if you do,
14 it's there.

15 Does that make sense?

16 MR. McKEEBY: We are definitely done
17 Wednesday, at close of business.

18 THE COURT: Yeah, we got to be. Right?
19 We got to get this case to the jury at the close of
20 business Wednesday.

21 Now, if they stay to deliberate all night
22 or whatever, you know, it is what it is. They can
23 do what they want to do.

24 And at some point near the end, I will
25 have to tell them there is going to be another

1 person in a robe up here older and wiser than I am
2 if it gets past Wednesday. But I don't need to tell
3 them that yet.

4 Nevarez, nothing from Nevarez, right?

5 MR. McKEEBY: No, we have advised --

6 MR. GREENFIELD: No, Judge.

7 MR. McKEEBY: -- counsel that I think we
8 already covered where he is and they are attempting
9 to serve him.

10 THE COURT: Well, I appreciate your
11 cooperation in that.

12 MR. HILL: Where we hope he is. We know
13 where he landed; we think he's going home. But --
14 and that is where we are headed, is to his home.
15 But that is where we are.

16 THE COURT: Where in the World is Carmen
17 San Diego? It sounds like that the old show that my
18 kids still watch on TV.

19 So tomorrow morning, our 8:30 time -- you
20 know, I've styled it also as a show-cause hearing.
21 We will see if he shows up. I assume Southwest will
22 know in advance if he is showing up because he will
23 be flying standby.

24 MR. McKEEBY: Perhaps.

25 Your Honor, and just for purposes of the

1 record, I would like to object to the extension of
2 time. I don't think it is warranted.

3 Southwest prepared the case based on the
4 time limits set, and based on the denial of their
5 request for additional time. And I think it is more
6 than sufficient time to try this case in the
7 allotment originally provided. So Southwest
8 objects.

9 THE COURT: I understand, and I share a
10 lot of your sentiments. What I will say is, that
11 there are lot of unique attributes to this case, and
12 so I'm trying my best to accommodate everyone's
13 concerns.

14 I will say, going from 12 to 15, is not
15 the 26 that you wanted, but I think we can squeeze
16 it out.

17 So I appreciate your objection. I will
18 overrule it. But that is also, understand, I'm
19 giving you all we have. There is not another well
20 we can dip into.

21 MR. McKEEBY: Question, scheduling-wise,
22 on the jury charge, does the Court have a sense of
23 when we might be discussing that?

24 THE COURT: So I appreciate you bringing
25 it up.

1 The first thing is, I need to get
2 interrogatories to you, right? I gave you the jury
3 instructions; I still need to get you the questions.
4 So we are working on that.

5 My request would be, can we think about
6 maybe Monday morning starting at 8:00, which hurts,
7 instead of 8:30, and have a discussion informally on
8 the charge. It could be off the record.

9 I will say, if y'all have thoughts this
10 weekend that -- I never want to deprive people of
11 time to argue on the jury charge, especially in an
12 informal charge conference. But we will still get
13 the jury around 9, even if we don't have exhibit
14 objections to get to.

15 If anyone has deep, weighty thoughts and
16 cases, you can file something on the docket and I
17 promise I will read it, right? So you can file
18 whatever you want to that goes after the charge that
19 I have given y'all, if that makes sense.

20 And so I will take that into
21 consideration, in addition to whatever you tell me
22 Monday at 8:00 at an informal charge conference.

23 And those two things combined can give me
24 all I need to know, so that the formal charge
25 conference, when the jury is angry at us -- so that

1 it can be as streamlined as possible.

2 So Monday at 8, is that all right?

3 MR. McKEEBY: That works.

4 THE COURT: I'm sorry in advance.

5 Sorry. I should set a deadline for when
6 you file something in time for me to read it.

7 So can I ask by Sunday at 5, you file
8 anything in writing you want to that attacks my jury
9 charge and says where I'm wrong.

10 And that gives me time to read -- if you
11 file it, you know, Monday morning at 7:45, I just
12 won't have time to read it or think about it
13 beforehand. But I will be up on Sunday working on
14 your stuff anyway. So I will read that too.

15 Okay. So tonight, 6:00, 8:00, we have
16 more designations due and objections due?

17 MR. GILLIAM: Yes.

18 THE COURT: Okay. Anything else we need
19 to talk about?

20 Okay. Efficiency really did pick up.
21 Thank you. And that is in large part why I gave you
22 the additional time.

23 It has been efficient on your end today,
24 too. And I appreciate that. It has been
25 remarkable, so thank you for moving the ball

1 forward.

2 With that, I guess I will see y'all
3 tomorrow at 8:30.

4 Thank you.

5 (Proceedings adjourned at 5:19 p.m.)

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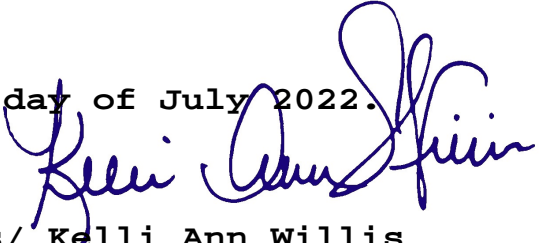
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C E R T I F I C A T E

I, Kelli Ann Willis, RPR, CRR, CSR
certify that the foregoing is a transcript from the
record of the proceedings in the foregoing entitled
matter.

I further certify that the transcript
fees format comply with those prescribed by the
Court and the Judicial Conference of the United
States.

This 8th day of July 2022.


s/ Kelli Ann Willis
Official Court Reporters
Northern District of Texas
Dallas Division

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